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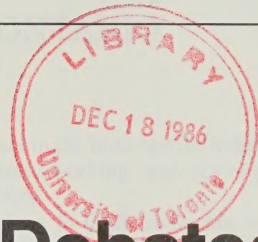








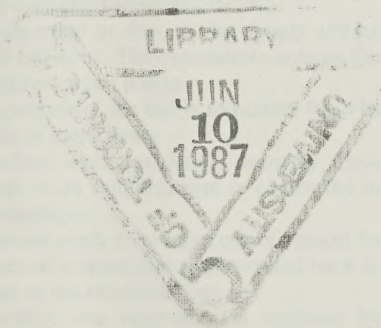
No. 71



# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 33rd Parliament**

Thursday, November 27, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, November 27, 1986

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### LABOUR RELATIONS AMENDMENT ACT

Mr. Mackenzie moved second reading of Bill 132, An Act to amend the Labour Relations Act.

**The Deputy Speaker:** The honourable member has up to 20 minutes for his presentation and may reserve any portion of it for the windup.

**Mr. Mackenzie:** I am pleased to rise in the House to begin the debate on second reading of Bill 132. I trust that it will not end there and that the members of the two other parties will seriously consider supporting the bill.

It is important to start out by simply stating what Bill 132 does. The explanatory note on the bill is right on when it says:

"The purpose of the bill is to protect the jobs and rights of employees,

"(a) where work previously done by those employees at an establishment is contracted to another employer;

"(b) where work done at an establishment by employees of a contractor is contracted back to the owner of the establishment; or

"(c) where one contractor is replaced by another."

The bill before us today is one of simple justice and fairness. It is a bill that is long overdue in the province. It would create no undue hardship for any segment of our population but would provide justice that is not now there to many employees in Ontario.

It is important that the members of this House understand who is involved, what they do and what the issue is, and I am appealing directly to my Liberal and Progressive Conservative colleagues.

First, we are dealing with probably 20,000 employees in the Metro Toronto area alone; I do not know what the figure would be across the province. We are dealing with those men and women, and they are largely women, who do the cleaning in the public and private buildings in our community. We are dealing with those in the

health care area and in the food service industry, some of the harder-working and lower-paid employees in society.

I ask the members to think about this for a minute. We are dealing with people who do a job that we all appreciate is absolutely essential to a decent and civilized society. I ask the members to think for a moment what it would be like around these buildings if we did not have a staff of people who put in hours of hard work to keep the buildings clean so we can work with some comfort in the building. I ask the members to think of many of the major buildings downtown, whether the Eaton Centre, the Toronto-Dominion Centre, First Canadian Place or the Aetna building, and what it would be like for the public in this country and in this province if those places were not kept clean and accessible to the public. I do not believe any of us would want to go into places like those if they were dirty and simply not inviting to us and to our families.

We are also dealing with a community of workers who are mostly new Canadians, mostly of ethnic background. Indeed, it is a fact that an awful lot of the workers in Toronto in this industry are Portuguese. It is not insignificant that this kind of job is hard but a little easier to obtain because many people do not want to do this kind of work. It is one of the first jobs that new Canadians find they are able to get in our province. They very quickly find, I am sorry to say, that the wages they are paid are low and that their working conditions, the shifts and night work, are not easy ones. They find that they can be discriminated against very quickly and that their jobs are not secure, strictly apart from the wages and benefits they are paid.

There has been a substantial move among these workers to organize and to try to achieve a better standard of living. They are doing that in substantial numbers. When they do organize, obeying the law and living up to the Labour Relations Act, which says it is in the public interest of the province for workers to organize and achieve their rights for free collective bargaining, they find they have not got much once it is done. Under the law of Ontario, a company can simply decide, "If they have those wages up from \$5 an hour to \$6, \$7 or \$7.50 or



even \$8, and if they have achieved some benefits, we can do away with that as soon as our specific contract ends by contracting in somebody else." That is the pattern, an unfortunate pattern, that has taken root in the province.

It is probably useful to quote briefly from a couple of editorials that state the case as well as or better than I could.

The Toronto Star of April 9, 1986—I will not read it all, because I have a number of things I want to say—deals with the rather bitter Olympia and York dispute, which had to be settled by the personal intervention of the Premier (Mr. Peterson). The editorial concludes by saying:

"Ontario has 'successor rights' legislation that protects unionized employees when a business is sold. The new owner must continue the collective agreement and ensure that seniority, benefits and wages are maintained. Queen's Park should give contract workers the same kind of protection. That way, workers won't stand to lose if their employer loses a contract."

A more recent editorial in the Toronto Star is dated July 17. It is worth reading the whole thing into the record, but I simply do not have the time. It says in part:

"Queen's Park already has laws to protect unionized employees when a business is sold. Under 'successor rights' provisions of the Labour Relations Act, the new owner has to continue the collective agreement and ensure seniority, benefits and wages are maintained. Mackenzie's private member's bill would simply extend these protections to contract workers. It deserves serious consideration."

That says it as well as I could.

Why is the bill before us? It is because of frustration to some extent. I am not sure members in all the parties have clearly understood exactly what we are up against and why this issue has taken so long to achieve any action.

I should point out that on April 2, 1984, the leader of my party made a real plea to legislators to take a serious look at contracting out. He said:

"Contracting out means the employer contracts with a second company to do work which the employer has already contracted with unionized employees to perform. As a result, employees are dismissed by the employer and replaced by other workers. In some cases, the same workers are subsequently hired by the second firm, doing the same jobs as previously but at lower rates of pay, often without the protection of a union."

It goes on from there to list some of the discrimination these employees have run up against.

## 10:10

That was not the start. It goes back to 1976 or 1977, when my colleague the member for Bellwoods (Mr. McClellan) was raising this issue. We have some more recent statements worth putting on the record.

On November 7, 1983, in response to a question by the member for York South (Mr. Rae) on contracting out in nursing homes, the then Minister of Labour in the Conservative government answered:

"Mr. Speaker, I am aware of the circumstances. This is not the first time this has occurred over the past number of months.... It is a very complex matter of successor rights, and there is no simple solution to the problem. It is something our ministry is wrestling with at present."

They had been doing it long before that, but that is back in November 1983.

It is significant to put on the record the comments of the member for Windsor-Sandwich (Mr. Wrye) when he was still in opposition. On April 2, 1984, in a supplementary to a question from the member for York South to Bob Welch on contracting out, the member for Windsor-Sandwich said:

"Surely in this case, where it appears there is a pattern of contracting out in which the people affected are almost exclusively women, he should be willing to sit down with his colleagues and discuss some initiatives other than those which the Ontario Labour Relations Board may or may not take in the fullness of time. Surely the women of this province deserve something better than the kind of uncertainties so many of them are going through now."

"Is he prepared to sit down with his colleague the Minister of Labour...and have a little more formal chat about the kinds of initiatives this government might take to stop this kind of action?"

That was our current Minister of Labour (Mr. Wrye) speaking on April 2, 1984.

On March 21, 1985, the then Premier, who was the member for Muskoka (Mr. F. S. Miller), in response to a letter from the member for York South, stated: "I can assure you that the matter is one which the Ministry of Labour continues to review and monitor with genuine concern."

The current Premier (Mr. Peterson) stated—and if I had time, I would have liked to have gone into his total answer, because it portrays a mindset that worries it might lead to more union organization than to solving the problem—in response to a question from the member for Bellwoods about First Canadian Place: "I am not



giving him a guarantee that I will change that legislation, but I will look at it. We are reviewing it."

The Minister of Labour stated as recently as October 6, 1986: "Finally, on the policy front, I am sure you are aware, the issue of government and private sector tendering of contracts is under active review by the ministry."

Surely that indicates as clearly as is possible that we have had a long period of taking a look at the injustice done to the cleaning men and women of Ontario and those in other service industries.

What does the bill do? It is worth taking just a moment to explain in more detail what the bill does and to give examples.

The first part of the bill, section 63a, applies in situations where a company contracts out for work being performed by the company's workers. That most closely resembles the situation we had in nursing homes, hospitals and homes for the aged a few years ago.

Incidentally, the answer that may come back, that the Brantwood Manor Nursing Home case was settled through the Ontario Labour Relations Board, is not an answer that makes an awful lot of sense or gives us a lot of security, because that case has been appealed by the Brantwood nursing home people. We are in for a long period of argument over whether the decision made in support of the workers can be sustained. We have not answered it through appeals to the labour relations board.

The second part of the bill, section 63b, applies in situations where a contract exists between the owner of a business and a contractor and protects the workers and their collective agreement when the contract is terminated by either party or when it expires according to its own terms.

This provision applies to the situations we have seen at Conestoga College, at the Toronto-Dominion Centre, at First Canadian Place and at a location in Ottawa, where we are just now going through the loss of 140 jobs as a result of a change of contractor. They will get \$1 an hour less—and they were getting only \$5 and some change per hour—if they want to apply to the new contractor. Several have, but nobody as yet has been hired in that situation.

We can clearly see that the bill deals specifically with the problem. Some people have raised arguments and concerns about whether the bill is too broad, whether it may prevent, encourage or affect other areas. I do not think it does. I received a legal opinion on that just today from

lawyers with the United Steelworkers of America whom I asked about the situation. They have pointed out a couple of small areas where there might be some conflict.

I want to say to the members of the other two parties that this bill is not as broad as the Minister of Labour tries to indicate. If there are concerns about any part of it, we think this issue is so vital and so important that the way to answer two or three minor points of concern is to do it in clause-by-clause debate, where we can move amendments on further debate of this piece of legislation.

I want to move from that. I will not have time to reserve, if I am going to make the remarks I want to. It is vital that members understand that what we are dealing with here is a fundamental issue of justice for these cleaning men and women in Ontario. The Conservatives, through their labour critic at the time, the member for Brantford (Mr. Gillies), promised these men and women that the Tories would support changes to section 63 of the legislation and would even support this bill. I hope they are going to live up to that promise.

However, I am disturbed when I hear from the former Labour critic of the Conservative Party that the best he can offer is a free vote. All private members' bills are free votes. He will try to get some support from his caucus. I think the letters he sent to the cleaners were well meant when he sent them. In the one he sent to Costa and do Couto, he said:

"I was most pleased to have the opportunity to meet with your delegation last week. As we discussed at the meeting, the Progressive Conservative Party supports the successor rights provision of section 63 of the Labour Relations Act to cover cleaners and other employees of subcontractors. In making this change, the employment and collective agreements of this group of workers would then be protected in the event the subcontractor employer changes. If I can be of further assistance to you in this regard, please do not hesitate to contact me."

He was quoted as saying in the Legislature on April 25: "With the support of the two opposition parties, we could pass"—the extension of successor rights for employees of cleaning contractors—"very quickly."

He is right. What we can get the government to do I do not know, but exactly that could happen with the support of the Conservative Party.

I want to say to the Liberals that I suppose the comments I have read out from the Minister of Labour and the Premier—and there are others—

clearly indicate that they recognize the need; they recognize the problem here. I hope they recognize there is a question of fundamental justice.

The answer we had from the Premier with regard to the major dispute in which he was involved was that he did not care or that it was not an issue of protecting the unions; it was an issue of protecting the workers.

I suggest to Liberal members that they should stop and think for a minute. Are we always going to react and intervene on a personal basis in an effort to solve a problem when it is right there at that given time, like a doctor who will treat an immediate emergency? Is it not much more important in our society that we treat the causes of the disease and put in place the legislation that prevents this from happening before the workers in an establishment are hurt, in many cases hurt very seriously?

If I can find it, I would like to end with a quote or two from a piece in the Toronto Star. It is important to put this on record. I want to appeal to my Liberal colleagues across the way. I am not doing it in a negative or challenging fashion, but in the hope that it will get through to them what is at stake in this debate. It is an article by Sandro Contenta in the Toronto Star of March 11, 1986, dealing with the case of one of the many cleaning women involved. It struck me as I read it and when I reread it as we were preparing for this debate. It simply says:

**10:20**

"Maria Medeiros's hands are rough and she suffers the odd pinch in her back, thanks to 13 years of lifting furniture and pushing a mop. For the last seven years, she's scrubbed and shined the 33rd floor of First Canadian Place....

"Long hours, heavy work, minimum wage and no job security are the norm for Medeiros and her fellow cleaners. In the past, workers have been locked out for arriving five minutes late. Being fired on the spot was a constant threat.

"In 1979, the women joined a union to fight for gains most workers take for granted. Still, Medeiros and 250 other cleaners of First Canadian Place and the Exchange Towers last month were faced with a tough choice: Either agree to have their salaries slashed to minimum wage—losing their collective agreement and effectively breaking their union—or lose their jobs."

The last couple of paragraphs in the article read:

"After he made the deal to save cleaners' jobs, Peterson told reporters that changing the law would 'tie the hands of the commercial world' by

making it impossible for companies to contract out for cheap labour. However, a policy analyst for the Canadian Manufacturers' Association told the Star she had no idea how allowing a collective agreement to stand once a contract is tendered would hurt industry's flexibility." I do not either.

The last paragraph is the most revealing of all.

"The Liberals won't do anything," said Medeiros. "You know why? Because they have business friends who fill up their pockets with money. It's true. That's the way it works."

I hope that is not the case with the members of the Liberal caucus, that they understand clearly what is at stake here, an issue of basic justice and equality for these workers, and that they will support Bill 132 in the House today.

**Mr. Ferraro:** It is a pleasure for me to participate in this debate on the member's proposed Bill 132, although I rise in opposition to the bill. It is no surprise to the member for Hamilton East (Mr. Mackenzie) that I am opposed to this bill. In the past, we have been and probably will continue to be in different spectrums of socialism versus free enterprise, and I deem it exactly that.

The bill being proposed by the member is in essence a reaction to an isolated incident that occurred at First Canadian Place. Admittedly, it has happened on other occasions, but it should be worthy of note that the case of the cleaners was resolved, with the co-operation of the Premier, I might add; and it is a problem, I admit.

The member himself said there are problems with the bill. It is refreshing to hear him say that. This problem of subcontracting or contracting out will be resolved by this government, but it is not as easy as the member for Hamilton East might want to indicate.

I want to speak against this bill specifically from the perspective of small business. People will know that 320,000 small businesses employ half the people in Ontario, if not more, or roughly 1.9 million people of a total work force of approximately 3.9 million. What Bill 132 does is essentially to force any small business that has a subcontract from a large individual or firm to become unionized. It then causes significant problems for the economy of Ontario.

Let me add a bit about how it affects small business. Of Ontario's small firms, 90 per cent are nonunion. Eighty per cent of the exports of small manufacturers are in goods sold to larger firms and exported by them. This shows that such a bill would seriously damage the financial



strength of the business sector, especially manufacturing.

Interjections.

**Mr. Ferraro:** I hear members from the socialist party criticizing me. That is fine. I listened intently to their colleague. They should at least have the courtesy to listen to what I say. I am not asking them to agree with me, because I know they will not, but it would be appreciated if they would listen. Perhaps it is part of the inherent nature of a New Democratic not to have any courtesy.

The bill would force small businesses to become unionized members. This itself, in my view and in the view of many small business associations, is wrong and undemocratic.

The debate about Bill 132 must include this discussion, a consideration of the basic rights of Ontarians to enter into contracts or compete for business contracts with whomsoever they wish. This bill does not do that. The right of the business owner and of his or her employees to decide for themselves whether they want to become unionized is totally disregarded in this legislation. It is quite simple. They do not have a choice. If they want to work under this contract, they have to become unionized.

What would happen if this bill passed? There are some frightening implications, to say the least. Contractors seeking subcontractors may look out of the province or out of the country for those subcontractors. The daily cry in this House about lost jobs, particularly from the members of the third party, is proof enough that a rise in unemployment is unacceptable.

Small firms that live by their contracts with larger firms would be forced to unionize. In addition, those firms could face economic hardships because of an imposed collective agreement. Inevitably, the consumers in this province will face higher prices because of higher costs of labour. A survey done this year by various small business association shows fewer jobs would be created. In fact, 62 per cent of small firms say they consider the cost of payroll taxes when they are thinking about hiring.

Bill 132 would solve the problems of the cleaners, but it would do nothing for small businessmen, 90 per cent of whom are not unionized at all. It is like weeding a flower box with a Rototiller. It is overkill, to say the least. These are not just thoughts that are being expressed by me, proudly, as a representative of small business, but also by other small business associations. Let me read into the record a couple comments.

Jim Bennett of the Canadian Federation of Independent Business is quoted as saying, "The Ontario Labour Relations Act is already overwhelmingly biased in favour of unions." Judith Andrew from the same association says, "Contracting out fosters the birth and growth of small business and a healthier and more productive economy." The CFIB contends that the bill is a counterproductive policy proposal.

**Mr. McClellan:** You should run for office in Poland.

[Interruption]

**The Deputy Speaker:** Order. I remind those in the gallery that no demonstration of any kind is permitted.

**Mr. R. F. Johnston:** Including laughing at the jokes of the member for Bellwoods.

**The Deputy Speaker:** Perhaps the members of the third party will assist by declining from interjecting.

**Mr. Ferraro:** Geoffrey Hale of the Canadian Organization of Small Business said:

"To use your influence to shelve Bill 132 is an active desire"—on the part of his association—"to ensure thereby that small businesses retain the right to compete for business contracts without the threat of mandatory and retroactive unionization."

The member for Hamilton East and his party admit that there are some problems and that something should be done, and we agree. I reiterate that this bill is essentially one of overkill and extremely dangerous to the small business community.

I am surprised by the reaction of at least one member of the Conservative caucus, the labour critic. The member for Hamilton East has already quoted a letter saying the Conservative labour critic is in support of this. I find it interesting that a party which for so long purported to be the champion of free enterprise and the small businessman would unequivocally come out in support of this; in other words, forcing small business to become union members. This is what the labour critic of the Conservative Party has done in writing.

One of my own ministers was criticized the other day for something he signed. The member for Brantford, who obviously sits to the left of his leader, perhaps should move down about 10 or 15 rows and join the New Democratic Party. I am sure every Conservative in Ontario will be very proud of the action of this member.

In fairness, the small business critic, the member for Cambridge (Mr. Barlow), has a



different point of view, and I respect him for that. I hope that is the predominant view of the members of his caucus.

**10:30**

The problems associated with contracting out and subcontracting will be dealt with by this government in a much more effective and democratic way than this bill proposes. The rights of workers and business owners must be balanced in legislation of this type. Bill 132 is by no means a balancing act. I believe the rights of both groups are being ignored. In particular, the rights of the workers to determine whether they want to join a union are being ignored, and the rights of the businessman are not being considered.

The House will be voting on this in a few hours, if not minutes. It is very simple for the members of the third party to say it is not serious. In my consultations with all the small business organizations, I have found that employers and some workers are frightened by the implications of Bill 132. We should make no mistake about it; unlike all the members of the Progressive Conservative Party, I can stand here and say the Liberal Party of Ontario will be voting against this bill. We believe we can come up with a better idea that is much more equitable and much more democratic.

**Mr. Barlow:** It is a pleasure to rise to speak on this bill and to follow my friend and neighbour the member for Wellington South (Mr. Ferraro). The seriousness of Bill 132 weighs heavily on all members of this assembly.

**The Deputy Speaker:** Order. The security people will please remove the people from the northeast gallery, not including the front row. Please clear that portion.

**Mr. Gillies:** Mr. Speaker, on a point of order: I wonder whether it is necessary to clear the gallery now. Perhaps we could advise the people in the gallery—

**The Deputy Speaker:** No, I am sorry. I did warn them. There was the hissing—

**Mr. Mackenzie:** The Deputy Speaker would rather put them in jail.

**The Deputy Speaker:** Please clear the portion of the northeast gallery, excluding the front row. Excuse me; exclude the back two rows too, please. There was no demonstration in that area.

**Mr. Mackenzie:** There were a number of people throughout who did not participate in that demonstration.

**The Deputy Speaker:** Correct, in fairness, but the Speaker cannot cherry-pick different

people throughout who did or did not. The demonstration came from a certain area. I tried to isolate that area as well as I could.

**Mr. Polsinelli:** Mr. Speaker, on a point of order: I raise for your consideration whether it is appropriate in our society to punish some innocent people to ensure that the guilty are caught.

**The Deputy Speaker:** Thank you. The chair has made its ruling.

**Mr. Barlow:** This is certainly not a frivolous piece of proposed legislation. I would like to believe that Bill 132 has been introduced by the NDP Labour critic, the member for Hamilton East, in his sincere desire to help people who feel vulnerable when it comes time for an employer to trim costs.

When Bill 132 was first introduced, I had my executive assistant call the member for Hamilton East, who happened to answer the phone that day, to see what he was intending. Frankly, I was pleased to hear he was introducing legislation that would protect, to use his words, the low-paid Portuguese immigrant cleaning women from arbitrary loss of jobs when jobs are contracted out to other firms.

I was most anxious to examine proposed legislation that could effectively help a designated group of people without having its tentacles wandering into other milieux. My curiosity was aroused, since I know that to discriminate single out a certain gender, nationality or group of people for specialized treatment contravenes the Canadian Charter of Rights and Freedoms. Nevertheless, if the NDP labour critic had been clever enough to figure out a way one could do just that, he would have had my support.

After all, a large proportion of my riding is made up of people of Portuguese origin. Close to 20 per cent of the Cambridge riding is made up of people of Portuguese origin. Being a Cambridge native, I have a strong affinity with these Portuguese people and indulge in being with them on many occasions at their various festivals. Even if my constituents are not personally affected by the situation the member for Hamilton East has attempted to correct, I am sure many of their friends and relatives are. Naturally, I am interested in legislation that would make life easier for these very hardworking people.

Having looked a lot closer at Bill 132 since that time, however, I have become very concerned about what happens when, in an attempt to protect a certain group of workers, we smother the very lifeblood of business itself. What

happens to the jobs we are trying so hard to protect if business cannot flourish, if those who are providing employment opportunities are suffocated by increased regulatory burdens and we in effect outlaw the future subcontracting of work by union companies to nonunion firms?

This legislation to extend successor rights causes me and members of the business community grave concern. The member for Wellington South read out letters similar to the ones I have received. Like him, I meet with these business organizations on a regular basis in my position as our party's critic for small business.

While it is intended to extend to the employees of contractors rights other workers already have, protecting poorly paid immigrant women and enhancing the collective bargaining regime in the province, all of which are good things, the amendments to the act unduly restrict the freedom to contract; they create undue interference in the relationship between contractors and their employers and prevent the most efficient and productive use of our resources.

Of even greater concern to me is that this legislation works both upstream and downstream. By downstream, I mean a collective agreement, or a potential one, is passed down from an employer to a contractor through to a subsequent contractor. This is apparent and seems to be consistent with what the bill says. However, the upstream effect is a little unexpected. Because of the broad wording of subsection 63b(1) of this proposed act, should a person terminate a contract and assume the responsibility for the work himself, he will be in the same position as the contractor and accordingly can inherit bargaining rights.

In other words, a company that had contracted certain work to a union contractor terminated the contract and resumed doing the work itself, it would be bound by the contractor's collective agreement. Where one hires a contractor to do one's cleaning and then decides to give it to one's son or another person in the firm whose job may be becoming redundant, the union contract would fall on to that person.

In my opinion, it is rather scary stuff. Business owners will have to think twice about contracting out to union firms. I remind this assembly that subcontracting is a legitimate way of doing business in Ontario, whether or not unions are involved. Properly managed, subcontracting contributes significantly to the productivity and competitiveness of Canadian companies.

I am afraid passage of Bill 132 would serve to undermine the present and prospective livelihood

of thousands of small businesses and result in reduced employment opportunities for those faced with the spectre of forced automatic union certification. The impact of such legislation would be most damaging to smaller, nonunionized, independent firms. Contracting to larger firms is the business base of thousands of smaller businesses, 90 per cent of them—using the same figures and reading from the same hymn book as does the member for Wellington South—90 per cent of these small businesses are nonunionized and many of them gained their starting business by offering better value than the contracting firm could provide in-house.

**10:40**

I do not recall any private member's bill or, for that matter, even a government bill that has caused so much furore in the business community as Bill 132 has done. Unfortunately, it does not necessarily protect the workers. In summary, Bill 132 would serve to upset the labour-business equilibrium in our province, a province that has already, since the Liberal government came to power, seen more than its share of legislation which, taken together, works against and discourages business in general and small business in particular.

Bill 132 would inhibit employers and contractors from the freedom to contract work out legitimately. Bill 132 would limit the ability of contractors to bid on contracts because it would require them to use virtually the same workers and would bind them to the terms of a collective agreement they never entered into. Bill 132 would result in contractors being deprived of their right to recruit their own employees and of their ability to bargain their own terms of employment with these employees. Bill 132 would prevent an employer from cutting costs and would prevent the streamlining of operations leading to increased efficiency and greater productivity.

In effect, this proposed amendment to the Labour Relations Act provides protection to unions without affording greater job protection to workers or their employers. I urge all members of this assembly to be very leery of this piece of legislation. It goes far beyond what the member originally intended in all good conscience. I know what he originally intended, but this goes far beyond that. It is a wolf in sheep's clothing. It is truly a piece of legislation that portrays something quite different from what it really is. I urge all members to vote against this piece of legislation.



**Mr. McClellan:** Talk about wolves in sheep's clothing. The wolf-like face of the Liberal Party of Ontario finally emerges clearly for everybody to see. All their rhetoric about their concern for those at the low end of the pay scale and all their professed concern about the plight of immigrant workers and underpaid workers is stripped away to protect the so-called sacred freedom of the business community to contract out. All that means is the freedom of business representatives such as the member for Wellington South and his colleagues in the Liberal Party to fire workers who have been able to win a collective agreement and achieve a decent standard of living and replace them with workers at the minimum wage.

This is the notion of freedom that comes from the Liberal Party of Ontario. I find it difficult to believe what I have heard in this debate this morning. When I was elected in September 1975, the very first thing that confronted me as a new representative was the cleaning staff at Queen's Park all being fired. The people who cleaned our offices at night were all being fired because the government of Ontario had tendered their contract and contracted it out to a private firm.

This was a union contract. Their union was being taken away from them. These were workers who were earning about \$6 per hour. They were going to be paid the minimum wage under the new contract. These were our own offices right here in the Legislative Building. The very first thing that happened to me was that a community coalition came together to fight for those jobs and to force the government to back down.

However, the battle has not been won. As my colleague the member for Hamilton East pointed out, we are engaged in a series of firefighting exercises, trying to save the jobs of workers first at the Toronto-Dominion Centre, then at Olympia and York Developments Ltd., then at Conestoga College, then at the post office and in other parts of the Queen's Park complex. As workers have struggled to win basic rights that one assumes are accepted in a free democratic society—the right to form a collective bargaining unit and to have one's own trade union—one after another these rights are taken away from workers, their jobs are contracted out from under them, their unions are smashed and their wages are lowered to the level of the minimum wage.

I say again to my colleague the member for Wellington South that this kind of behaviour is acceptable perhaps in Poland from General Jaruzelski, but it is not acceptable in a democratic

society. That kind of reactionary, Neanderthal, outdated social attitude has no place in the late 20th century in a democracy such as Canada. Workers have a right to trade unions, and the business community does not have a right to strip them of those unions through the process of contracting out or to strip them of their standard of living through the process of reducing their wages through the competitive bidding process.

The ultimate example of this kind of exploitation and injustice, which has mobilized a great coalition in this community of Metropolitan Toronto, is the plight of men and women working in the cleaning industry. One after another, over the last 20 years, workers in the cleaning industry have succeeded in very difficult circumstances in forming a union and raising their wages, not to some magnificent level, not to \$13 or \$15 an hour, or \$17 or \$18 an hour, wages and incomes that perhaps those of us in this assembly are more used to, but rather wages in the order of \$5, \$6, \$7 or \$8 an hour at the very most.

What happens with the process of contracting out is that their wages go back to the level of the minimum wage. The cleaning industry in this community, and I suspect in most communities across Ontario, is the modern equivalent of a sweatshop. It pays minimum wage. It has found a way of preventing its work force from forming trade unions to bargain for the betterment of their wages and working conditions. It thrives on the systematic exploitation of immigrant workers.

Members had better understand that. Those who are voting against this provision had better understand that this provision is the only way of stopping the exploitation of immigrant workers in our province.

The technique is not a new one. It is as old as immigration itself to this country. The process of exploitation of immigrant workers is intimately and inextricably linked with the process of preventing immigrant workers from joining trade unions and with the process of smashing their trade unions. I am using perhaps strong language, but it happens to be the truth. I am deliberately using strong language to try to make the point to those who say that the rights of the business community to do business in traditional ways in this province are paramount and sacrosanct and cannot be violated.

What about the rights of those who clean in the business firms? Do they not have a right to a decent standard of living? Are they to be condemned in perpetuity to work in an industry where the pressures on wages are always



downwards, back down to the level of the minimum wage? Is the message of the Liberal Party of Ontario that the hundreds of thousands of men and women who have come to this country to make a better life for themselves and for their children cannot expect the protection of the law if they form a trade union, but can look forward to the government of Ontario encouraging their employers to drive down their wages, back to the level of the minimum wage? Is that the policy of the government and of the Liberal Party of Ontario?

**10:50**

In the short time remaining this morning, members had better think seriously about how they want to vote on this matter. As it affects cleaners, this has become an issue of symbolic importance for the Portuguese community of Metropolitan Toronto. There has been a great coalition put together behind this issue of fighting for the rights of cleaning workers, and it is something that has struck a responsive cord among those men and women who have come to this country from Portugal since the 1950s and 1960s. It has come to symbolize the kind of struggle that has faced them in this country. It also symbolizes an opening, a breakthrough and a way of achieving a decent standard of living, through working hard and through fighting for collective rights, not excessive rights but simply rights to a decent reward for their labour and to a decent standard of living for themselves and their children.

Anybody who argues that small business cannot survive a work force that is paid at the level of \$6, \$7 or \$8 an hour is not making any sense. Anybody who says that small business in Ontario can survive only if it pays its work force at the level of the minimum wage is not making any sense. Who is going to buy their goods and products? What are they going to buy it with, if we do not have a well-paid work force? Who are going to be the customers of the small businessmen?

**The Acting Speaker (Mr. Morin):** Your time has expired.

**Mr. McClellan:** I appeal in my final sentence to my colleagues in the Liberal Party to think twice before they slap so many people in the face.

**Mr. Polsinelli:** After the eloquent dissertation of the member for Bellwoods on the right of workers to unionize—a right which, I believe, is not denied but encouraged by each member of this assembly—it is incumbent on me to begin my remarks by again reiterating what the bill of the

member for Hamilton East does. Bill 132 would amend the Labour Relations Act to prevent unionized companies from subcontracting to nonunionized firms for work which has been done by unionized workers. The nonunionized firm may be a subcontractor if it agrees to operate under the contractor's collective agreement and become unionized itself. This bill does not deal with the right of workers to unionize.

As a member of this assembly, I am troubled by the circumstances that led to the member's creation of this bill. I speak of those instances, well reported in this House, where cleaners were faced with the prospect of losing their jobs in situations of contracting out and contract tendering.

Many of us will remember the situation in March at First Canadian Place, where 250 unionized workers for Federated Building Maintenance Co. Ltd. saw their jobs threatened in a decision by the owner, Olympia and York, to tender the cleaning contract. I believe the resolve and intervention of the Premier and the Minister of Labour aided in saving those jobs.

As parliamentary assistant to the Minister of Labour, I share the concerns I know he continues to have for all workers facing job losses. I can only concur with those workers who mobilized into action in March and felt that changes were needed. Many of them are immigrants to this country and, as an immigrant myself, I share their sense of frustration in the wake of apparent injustices that must be confronted.

I do not believe Bill 132 is the solution. In many situations, it may exacerbate the problem. Many members of this assembly will know that the vast majority of the cleaners are not represented by unions and, as a result, those workers will be penalized severely by this bill. It will inevitably pit unionized workers against nonunionized workers. As a government, we have a responsibility to all workers, not just to unionized workers, and that responsibility cannot be forgotten.

Bill 132 would amend the Labour Relations Act so that the sale of businesses provisions contained in section 63 of the act would apply to cases of contracting out and contract tendering. The New Democrats have used the problems faced by the unionized cleaners to justify this bill.

The problems involve contract tendering and not contracting out. Moreover, the problems have arisen in cases where the work continues to be performed within the same establishment. Bill 132 would extend this to all sectors involved in

contract tendering. To do so would severely hamper the auto parts industry, along with the construction industry. By their very nature, those sectors depend on this form of business activity.

Members should note that, by virtue of contracting out of service and maintenance work, cleaners in this province engage in work through their current employers. Further, on the issue of contracting out, unionized employees already enjoy the benefit of substantial protection. They do so through provisions that can be negotiated under collective agreements. This protection can take the form of a limitation of contracting out or simply of an absolute ban on any contracting out of work. The limitation or prohibition of contracting out can be enforced through the arbitration process.

Contracting out has also been dealt with under the Labour Relations Act. Recently, members will recall that in a landmark case in 1984 the Ontario Labour Relations Board ruled that an employer cannot contract out the core function without relinquishing control over that activity. I am not swayed by the argument of the member for Hamilton East that the bill was conceived to apply only to the service and health industries. Its wording leaves open its application to cover all aspects of contracting out and tendering. Its scope is too broad.

The reality of this bill is that it would cripple small businesses in all sectors of the economy that depend on larger firms farming out significant work their way. This bill would discourage bidding in contract work, and smaller concerns would not have the ability to compete in our own markets. It would also provide incentives to industry to have its production activity take place outside this province. In the wake of this, jobs in all sectors of our economy could conceivably be lost.

Another omission in this bill is that it does not adequately address the problem of a new contractor having an existing work force. Have the rights of such a contractor been forgotten or have they been taken into consideration at all by the member for Hamilton East?

Under the provisions of this bill, workers may not have jobs despite the fact that they have worked for an existing contractor for many years. That is an apparent injustice which is evident in this bill. If this appears unlikely to the member, he might well remember that even in the cleaning sector 95 per cent of the workers are not unionized. This bill does nothing to protect them. Essentially, what we have before us is a

sledgehammer in Bill 132 that the opposition would use to kill a fly.

I reiterate that we are concerned about the plight of unionized cleaners and, indeed, all workers in this province, but the issues involved are too complex to be addressed by the approach this bill would have us adopt. The Minister of Labour and this government are currently engaged in the process that will see other measures introduced. The legislative initiatives that will be introduced will not only focus on the Labour Relations Act, but in a balanced and just way will enhance job security and the right to decent remuneration for workers in this province.

I feel that the appropriate way to address these concerns is a well-thought-out response that will not confuse contract tendering and successor rights. The Minister of Labour has well under way the process of reviewing the options available. Given the commitment of the minister and indeed of the Premier in assuring the resolution of this issue, I am sure this will be forthcoming in the not-too-distant future. I say to the critics in the third party and in the opposition that as the parliamentary assistant to the Minister of Labour, I have been working with him in discussing the options available. I can assure this assembly that something will be introduced soon.

**11:00**

**Mr. Gillies:** We have about three seconds. I had a long speech prepared. Clearly, I am not going to be able to give it in the time remaining. I will be supporting the bill because of the principle enclosed therein, but I indicate to the member that if he had drafted a more specific piece of legislation aimed directly at the type of people we are trying to help, it would have had much wider support from our party. However, that can be amended in committee. I know what the member is trying to do, and I will support it.

#### PROPERTY RIGHTS

**Mr. Epp** moved resolution 5:

That this House authorizes that a proclamation be issued by the Governor General under the Great Seal of Canada amending section 7 of the Canadian Charter of Rights and Freedoms to read as follows:

7. Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not be deprived thereof except in accordance with the principles of fundamental justice, and urges that the Senate and House of Commons and the legislative assemblies of the other provinces do likewise.



**Mr. Epp:** It is a pleasure to deal with this motion today. I plan to use approximately 15 minutes initially and then use the remaining time to wind up at the end of the debate. In doing so and in starting my remarks, I thank the members for being present this morning. I know there are difficulties with the overlapping of committee responsibilities. I also thank the Ontario Real Estate Association, which has done a lot of work on this subject regarding property rights in the province. Thousands of agents and others feel very strongly that this should be included in the constitution.

I hope what we are about to do here today is to pass a resolution that will enshrine in the Constitution an omission everyone is aware of that took place in 1982, when the Canadian Constitution was drafted. The omission was of enshrining in the Constitution the enjoyment of property. To do this we require the Canadian government—the House of Commons—to pass a resolution that would enshrine property rights, the enjoyment of property, as well as seven other provinces representing 50 per cent of the population of Canada.

To date, British Columbia has passed such a resolution. I point out to my friends on both sides of the House that the resolution was passed unanimously with all parties participating and voting in favour of it. A somewhat minor-amended version was passed by the Legislature in New Brunswick and by the Yukon Territory, which adopted the same resolution I have before the House today, and it was adopted by the BC Legislature.

It might be helpful to point out to the members that democracy has been based upon and has thrived upon four basic rights. These rights are life, liberty, security and the enjoyment of property. At this point, the charter protects only the first three; it excludes the right to hold property. It might also be opportune to point out that the fathers of the Canadian Constitution, at a later date, included in the Constitution the continuation of a heritage of freedom; so that since the original Constitution at least another amendment has been made to the Constitution.

The personal right to property has been constantly reaffirmed throughout history in the courts and in the common and statute law of the United Kingdom, from whom we inherited our basic laws. It was reaffirmed in our country in 1960, when the Right Honourable John Diefenbaker introduced the Bill of Rights, which was adopted by the House of Commons and by the Canadian people at that time. I might also point

out that property rights were proposed for inclusion in the charter during the hearings of the special joint Senate-Commons committee but were later withdrawn by the federal government. It is my hope that this will be one more link eventually to get the enjoyment of property aspect into the Canadian Constitution.

The importance of protecting the individual property owner and allowing such property owners to have an opportunity to protect their rights in court is the basis of this resolution. It would protect property owners against unnecessary or unfair government actions against their property. The amendment protects against unjust infringement of an individual's rights. That is something that Canada has always stood for and something that is obviously lacking in the present Constitution.

The amendment is vital as a symbolic affirmation of Canada's and Ontario's heritage as well as a statement of our national intention to adhere to that tradition.

I know there are a number of people who have some fears with respect to this amendment, and I want to deal with some of those fears at this time. There are fears with regard to zoning laws, expropriation laws and family law dealing with the division of property on marriage breakdown. These appear to be unfounded.

Regarding zoning laws, the Canadian Bar Association and its Ontario branch have dealt with all these aspects in committees thereof. In May 1985, the CBA Ontario branch's property rights entrenchment committee issued a report which found no existing government scheme would be prevented or seriously impeded by the inclusion of the words "enjoyment of property." The CBA report makes that clear.

The protection afforded by entrenchment of the rights recognized in section 7 of the charter is not absolute, and all such rights are subject to the provisions of section 1 of the charter. Section 1 of the charter reads as follows:

"The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

If that is the case, this section must be kept in mind in reassessing the potential impact of the entrenchment of property rights upon the ability of legislators to enact laws concerning natural resources, environmental or land use planning. Legislation dealing with any subject matter that imposes only reasonable limits upon property rights will be unaffected by entrenchment.



The CBA report points out that, in the United States, legislatures and government agencies have been able to enact and enforce zoning and environmental protection laws despite the provisions of amendments 5 and 14 of the US Constitution.

Amendment 5 of the US Constitution provides, in part: "nor shall any person] be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Amendment 14 provides: "nor shall any state deprive any person of life, liberty, or property, without due process of law...."

**11:10**

The government of British Columbia, in passing its resolution, considered all these aspects. As I indicated, it adopted the resolution unanimously.

Let me deal with another concern that people have; it has to do with women's rights. Some concern has been expressed that the addition of property rights to the charter would somehow harm the matrimonial property legislation across Canada which provides for the division of assets upon divorce or separation.

The US Constitution has been in existence for 210 years, while ours has existed since 1982. The fifth amendment is part of the US Constitution, as is the fourth amendment, which has been there for 195 years. Where state constitutions contain similar provisions, no statutes providing for the division of property upon a dissolution of marriage have ever been held unconstitutional.

I want to emphasize that. Some of the people who want to throw red herrings in the face of not including property rights in our Constitution keep on saying that the women's rights movement in the US has been set back because of the US Constitution. There is absolutely no evidence to support that contention; it is a red herring. No statute providing for the division of property upon the dissolution of marriage has ever been held to be unconstitutional. That is important.

An additional safeguard the US Constitution does not include, but that we have in Canada, is section 1 of our charter, which "guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

What judges often do in looking at constitutional matters in Canada is to refer to section 1. I emphasize that section 1 is the most important section in our Constitution; it has to be subject to that. Where in the US no state laws dealing with

these matters have been found to be unconstitutional, in Canada we have the added protection of section 1. The Canadian Bar Association and the Law Society of Upper Canada have recognized that in supporting this amendment.

We are looking for the passage of this amendment. We want people to know that the entrenchment of property rights in the Constitution is very important to us. I want to cite two examples of where there has been real abuse with respect to property rights. We have hundreds of authorities in government for the expropriation of property. We have all the conservation authorities. We have the provincial government, the federal government and the municipal governments. We have 839 municipal governments in Ontario. There are hundreds of authorities, and I suspect more than 1,000, if we were to count them. What we want to do by passing this resolution is to put some kind of protection out there for the people themselves.

I want to cite two cases, copies of which members have received at their desks. These were kindly made available by the Ontario Real Estate Association, which put out a tape on this as well as some literature.

First, I want to cite the case of Mr. and Mrs. Ludwig Fromm, who had a piece of property not far from here, at McCaul and College streets; in fact, it fronts on McCaul Street. The case took place on July 31, 1975, when they owned Gordon's Take-Out Service and Delicatessen. They owned the place, lived upstairs and were somewhat in arrears with their payment for the premises, but that in itself had nothing to do with the way they were treated. They catered to a lot of people in the vicinity, and it was a fairly economically viable operation; it supported the couple and their family.

They were told they had to move, and they were promised a certain amount of money by Ontario Hydro. The gist of this was that they were forced out of this property. They had 2,600 square feet in the building, and they were forced out because Ontario Hydro wanted to use it for a station. The Ontario Hydro property division wanted to acquire the parcel of land to build the transformer station it wanted to put on that location.

The Fromms had to move from that location and were partly compensated for it; they got a \$186,000 settlement. They felt that with their legal costs and so forth, they were out at least \$5,000. They subsequently moved north, to Gravenhurst, to relocate their restaurant. That did not work out for them, because they were

subject there to such elements as people not frequenting their place as often as they did down here. Subsequently, they sold it, lost about \$40,000 or \$50,000 and moved away from their Gravenhurst restaurant location.

The important point is that no one had to justify why he wanted to buy this take-out service and delicatessen, and the place still sits empty today; it has been boarded up and painted. The Fromms could have continued their operation until this date, 11 years later. Ontario Hydro took it without having to justify to anyone why it wanted it. They compensated the Fromms, I admit that, to the extent of \$186,000, but they did not have to justify it to anyone, and it is still not used for a transformer station or anything else. These people have been deprived of a livelihood because somebody, on a whim, wanted that property without having to justify it. I do not think that is fair.

With this, we are saying that if the government wants to expropriate property, it has to be able to justify it before the courts if the person who is being expropriated is not in agreement with the amount of money he is being given for compensation. Aside from the financial loss, it is a real trauma to lose such property.

I want to cite one other case, and these are only two of eight cases the Ontario Real Estate Association has listed; there are hundreds of others that could be dealt with.

In 1950, Highway 400 was being built north of Toronto, and a gentleman by the name of Jack Teskey had a large farm there. From 1958 to 1977, there were several expropriations of his land. Mr. Teskey eventually got a cheque from the then Ministry of Transport, now the Ministry of Transportation and Communications, for \$10,200. He never cashed the cheque, because he felt he was really done in by this provincial ministry. Originally, the Minister of Transport offered him \$3,100. When he went to the Ontario Municipal Board, he was given \$10,200; so one knows how much the ministry was originally short in offering a certain amount of money.

Eventually, Mr. Teskey died, and the case has still not been resolved. It is another example of where government has run roughshod over an individual and the individual had no recourse to the courts to prevent it taking away important and valuable property for him and his family. This is what this resolution will do. People will have recourse to courts, where they can be heard and their rights protected.

I am going to save the remaining time to wind up later on in the morning.

**The Deputy Speaker:** Two minutes and 38 seconds have been reserved by the member for Waterloo North.

**11:20**

**Mr. Partington:** I am pleased to speak in support of the resolution of the member for Waterloo North, a resolution which will provide for the Canadian Charter of Rights and Freedoms to state that "everyone has the right to life, liberty and security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

The member's resolution would introduce into the Charter of Rights one of the four basic rights of democracy in Canada, which are the right to life, the right to liberty, the right to security of the person and the right to property. These are the four cornerstones upon which our freedom depends and which have allowed us in Canada to build one of the fairest, most progressive and prosperous countries in the world.

I suggest that our society is composed largely of an immigrant population, people who came from democratic societies where property rights were a hallmark and where they expected their rights and freedoms, including their right to property, to continue. Certainly, many immigrants have come to these shores, to this great country, because certain rights and freedoms were denied in their own countries, particularly the right and freedom of owning and enjoying property.

Originally, when the Charter of Rights was drafted, the right to enjoyment of property, which could not be denied except by due process of law, was included in the charter. Unfortunately, the right to enjoyment of property was deleted at that time, mainly because of the concern expressed by the provincial governments of Prince Edward Island and Saskatchewan, which were concerned that their ability to legislate on land ownership and other matters of property falling within their constitutional jurisdiction would be restricted. I think Prince Edward Island was concerned about the purchasing of large tracts of land by nonresidents or non-Canadians.

There are concerns about the entrenchment of the enjoyment of property rights in the charter, but I think these concerns can be addressed and, on balance, the right to enjoyment of property, as the member for Waterloo North has suggested, should be entrenched in the Canadian Charter of Rights.

People came to these shores because of the freedom our life offers. Certainly the tradition of



property rights is one of long standing in this country and one which, I submit, is a great strength, not only to the country but also to the whole fabric of society, to the family unit. Property rights are important.

The right to own property has been recognized down through the years and has been very eloquently addressed from time to time. In 1760, in the British House of Commons, there was the elegant statement of William Pitt: "The poorest man may in his cottage do defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter, but the King of England cannot enter. All his force dares not cross the threshold."

Further, James Wilson, one of the original justices of the United States Supreme Court and a signatory to the United States Declaration of Independence, stated: "The right of private property is founded in the nature of men and things. What belongs to no one is wasted by everyone. What belongs to one man in particular is the object of his economy and care. Exclusive property prevents disorder and promotes peace."

This feeling has been reaffirmed throughout history in the courts and in the common law and statutes of the United Kingdom and the United States, and it is a tradition of the Canadian common law.

The Canadian Real Estate Association has further emphasized the need for the entrenchment of property rights in the Constitution during the hearings of the joint Senate-House committee. It is concerned that the failure to include property rights in the Charter of Rights is a serious threat to the fabric of Canadian society. The association has painted a somewhat dark spectre of increasing government regulation and control of ownership in the absence of entrenched property rights. CREA has warned that property rights are being eroded and are in dire need of protection and has pointed out that more than 700 provincial statutes in Ontario alone affect property.

I will present two examples of the effect on property. I point to *Mariano versus South Lake Simcoe Conservation Authority*. Frank Mariano and his wife bought a 113-year-old building on the main street of Uxbridge, 40 miles northeast of Toronto. They obtained a building permit to add an addition to the property and had undertaken \$100,000 worth of renovations when they were told to stop construction by the conservation authority in the area. They applied for a permit to the South Lake Simcoe Conservation Authority

and were denied one. After having invested a couple of hundred thousand dollars in a building that had stood for 113 years, these people were in dire straits.

There are many examples of the sometimes unfair effects of conflicting laws. In the city of St. Catharines, Charles Fullerton, a prominent lawyer in that area and a former partner of mine, represented Felix Rizzardo in an appeal against the Niagara Escarpment Commission's refusal to allow a building permit on a one-acre property that had been owned by the gentleman in question for 28 years.

After hearing the facts, the hearing officer made this comment: "In considering all the facts put forth at the hearing, one has to have consideration for Mr. Deacon," who was the person buying the property, "who did have a building permit 28 years ago and commenced a home only to be thwarted by the unfortunate circumstances of his wife's health. He is not financially set to go to the expense of engineering consultants for reports on this and that. However, the development of the property is possible, but not using the present excavation. If the purchaser were to submit a proper site plan to accommodate the natural contours, it could be acceptable."

Although the hearing officer denied the request, he suggested there could be a reapplication. This is another example of why there has to be law to protect those cases which, on the face of them, are quite unfair.

There is some concern that entrenching property rights could lead to an attack on much of the social legislation that is in place, but as the member for Waterloo North has stated, that will not happen, because the extension of the rights is always subject to such a reasonable limit as can be demonstrably justified in a free and democratic society.

Finally, it is important that we support this resolution and entrench in the Canadian Charter of Rights the right to enjoyment of property so that the traditions we have enjoyed over the years can continue and we can know that protection is there.

**11:30**

**Mr. Laughren:** I rise in opposition to this resolution. I do not think that will be any surprise to the member for Waterloo North. As a matter of fact, it is because I am such a nice guy that I rise in opposition to this resolution.

It is appropriate that he brought it forth because it is the kind of issue that needs to be debated in this chamber. I remind the member, however, that we are not talking about just



changing a law, but about entrenching a value system in our Constitution. That is much more significant than simply changing a law through an amendment to the Canadian Constitution.

It is a very fundamental law, which I am certain would limit the power of parliaments to act at both the federal and provincial levels. For that reason, we should not engage in nice-sounding rhetoric simply to justify an argument that is going to change something as fundamental as a value system in our country. That is what this does.

I want to remind the member that the rights to property are already deeply entrenched in our system through common law, through contracts that are individual in nature and contracts with the state. The rights to private property are very deeply embedded and, in my view, do not need to be and indeed should not be entrenched in our Constitution.

Property rights should continue to be embedded in contract law on an individual and circumstantial basis, but I do not believe they should be entrenched in the Constitution. In other words, it is a legal right, but I do not think it should be classified as a political right, which it would be if it was entrenched in the Constitution.

It should be understood by people who say, "Property rights; yes, of course, everybody has a right to own property," that this would go much beyond that. It does much more than guarantee someone the right to own a home. If that is all it did, there would be no sense in bringing forth the resolution because that is already there. People have a right to own a home, unless the bank takes it away from them.

I did not realize how devious the member for Waterloo North is. This is an attempt to prevent the banks from expropriating property from ordinary working people and from taking farms away from farmers. I hope the member understands what he is doing. Otherwise, the National Citizens' Coalition will be on his doorstep tomorrow for limiting the property rights of banks to repossess farms and homes.

The member talked about the US constitution having property rights entrenched in it, but there have been problems in the US with property rights. For example, the right to regulate freight rates was challenged and the government was prevented from regulating freight rates. As well, the whole question of mortgages was raised in the US and the courts prevented farmers from postponing mortgage payments because of property rights of the banks.

While I was teasing the member a bit, it is true that the financial institutions in this country and others confiscate more property than governments ever have in North America. If that is what the member is trying to do, he should deal with the banks and other financial institutions in separate legislation and not try to do it through the Constitution.

In Canada, we have a long history of regulating the private sector. If we were to entrench property rights, I wonder about our right to regulate the airlines and phone company rates. There is the long history of that, accepted even by the phone company. Bell Canada accepts the fact that it has to go before the Canadian Radio-television and Telecommunications Commission and justify its rates.

The member has brought forth an amendment that would have much more impact than even he would want it to have. That bothers me a great deal. I think of the right of doctors to extra bill. The present government just completed a bill in the past several months that prevents doctors from extra billing. If I read this section right and interpret it correctly, the doctors would be able to challenge that right to extra bill under this amendment to the Constitution, if it were passed.

I believe that is true. I think developers could challenge the right of regulations on their property, because it is a property right to—

**Mr. Ferraro:** How did you make that out?

**Mr. Laughren:** It is. Take the example of expropriating property for a pipeline. When the Saskatchewan government expropriated—I should not say "expropriated"; it negotiated and paid a very good price—nevertheless, it took the potash companies under public ownership. If this country decided it wanted to bring into the public sector another major oil company or to have it join Petro-Canada, the oil company could very well challenge that, and probably successfully, if this were part of the Constitution.

That is inappropriate. If this were entrenched in the Constitution, there would be nothing to prevent the Reichmanns from buying Prince Edward Island. In Prince Edward Island, they are already trying to cope with American ownership of their island. I do not think they could prevent it if this were entrenched in the Constitution.

The member shakes his head, but I believe that to be true. I am only half kidding when I say I keep expecting the Reichmanns or the Bronfmans to make an offer on Prince Edward Island.

This amendment would reintroduce privilege back into our political system in a way that we have been trying to do away with over the past

number of decades. As all members understand, universal suffrage was the most important way in which we, as a society, tried to eliminate privilege. If this is entrenched in the Constitution, it will indeed entrench a privileged position for property owners, and not everybody in society is a property owner. I do not think we are trying to make it a more privileged system.

It would not be the small property owner who would be protected by this amendment; it would be the large property owners who would be protected, and everyone should understand that. New Democrats see our society as moving away from this kind of direction and raising civil liberties and human rights, as opposed to property rights, to a higher level. Make no mistake about it. One is in opposition to the other. That is how it will finally shake down and that is why we are so adamantly opposed to it.

Members should not forget that we, as a society, and all of us, I believe, are supportive of more equality in our society; at least when I listen to the speakers that is what I hear. But I remind members that it was not so long ago when people were property, slaves were property, wives were the property of their husbands and children were the property of their fathers. We are trying to move away from that as far as we can.

We believe that working people have the right to refuse unsafe work; yet the employer could argue that is was his property right, that place of work, and he could challenge that right. We have to understand that we cannot support property rights and at the same time pretend that we are putting consumer rights and individual rights up high on the agenda as well. You cannot have it both ways.

If this member comes back to this chamber with a resolution to guarantee the right to a job, to housing, to medical service and to income to people of this province and this country; when he has accomplished that; when he has convinced the Liberal Party and governments across this country—they have not supported it yet; as a matter of fact, the federal Liberal government opposed this—when that has been done, then the member for Waterloo North should come back to this chamber and say: "I have accomplished something, my colleagues. I have entrenched in the Constitution the right for every citizen to enjoy income, to enjoy housing, to enjoy medical services and to have a job."

When the member has accomplished that, when he has raised that to the level of being entrenched in the Constitution, at that point he can come to us and see whether he can talk us into

entrenching property rights. I do not think he will; I do not think he could talk us into that, but I would like to see him get the others in there. Perhaps I could use that as the motivation for him to succeed. When he has succeeded in entrenching more civil liberties and human rights in the Constitution, then he can come and talk to us about property rights.

#### 11:40

**Mr. Ferraro:** It is a pleasure to rise in support of the motion of my colleague the member for Waterloo North to entrench property rights. I know it is going to make my friends in the third party happy to have to listen to me twice in one day, but that is the way the agenda presented itself.

I wholeheartedly concur with my colleague the member for Waterloo North and many other colleagues in the House that property rights should be entrenched in the Charter of Rights. Much of what I am going to say will be to some degree a reiteration of what other speakers who have spoken in support of it have said, because there are only a few basic arguments that can be made. I ask the indulgence of the House in this regard.

My friend the member for Nickel Belt (Mr. Laughren) made a couple of assertions that I obviously interpret in a different way. He talked about his fear that entrenching these property rights would be imposing a value system. He also talked about extra billing being somehow related to property rights. He lost me there. I do not want to deal with that one as I cannot see the relationship. The value system that members of the New Democratic Party talk about is obviously a different interpretation of my value system, which is democracy. That is the ultimate value system.

In 1215, Magna Carta was passed. As has been mentioned by many other members, essentially four basic rights came from our British heritage, the rights to life, liberty, security and property. As we know, the Charter of Rights unfortunately did not include the fourth right, the right to property, when it was passed in 1982. As has been mentioned, it is interesting that it was an integral part of the Bill of Rights in 1960. Indeed, our democracy has flourished well considering these basic rights and inherent parts of democracy and freedom.

It is also interesting to note that notwithstanding what the New Democratic Party of Ontario feels, in 1983 the New Democratic Party in the British Columbia Legislature, along with the Social Credit Party, voted and unanimously



supported the entrenchment of property rights in the Charter of Rights and Freedoms. Obviously, there is some confusion in the New Democratic Party philosophy.

We end up talking about a complexity of rights. Why it has to be in the Charter of Rights, notwithstanding the fact that it is in the Bill of Rights, can be argued. What we are talking about, as we all know, is that the Bill of Rights pertains essentially to federal legislation. The Charter of Rights empowers the courts to scrutinize provincial legislation to a greater degree. The Bill of Rights extends its protection only to individuals. The charter protects everyone. I know this will make the third party very angry, but this would include corporations as well as natural persons. I might say that not all corporations are the size of Olympia and York or those of the Bronfmans. There are a lot of small corporations in this country and more and more are being registered, something like 100,000 every year. A lot of small people, small businessmen incorporate.

As to the complexity of rights I talked about, it has been argued that we do not have to put this in the Charter of Rights because by not having it in the Charter of Rights, even though the foundation of our country was based on the Bill of Rights that secured that basic right, we are protected because individual pieces of legislation will protect us, as my friend the member for Nickel Belt said.

By this he means that, for example, we could pass a bill in Ontario that would protect property owners from expropriation. Others will argue that by not putting it in the Charter of Rights you are not saying there are not property rights and you are leaving it open for much more small-l liberal interpretation by the legislators and the judicial system in our country. Why do we want to tie their hands and limit that?

That is the real crux of the issue: why it should be in. It is not only because we had it in our Bill of Rights, which is essentially being replaced by the Charter of Rights, but also because constitutional experts—I mentioned two, Penny Hill and Peter Hogg—have said:

“Constitutional entrenchment implies a hierarchy of rights in which those entrenched have superior”—I reiterate “superior”—“force to those contained only in legislation. The bottom line is that nonentrenched rights of equal social and political significance are always subordinate to entrenched rights.”

For that reason, it must be put in the Constitution. It must be returned to its place of

prominence as a cornerstone of our democracy and our country.

The second and final reason—I want to mention only two—is one the member for Brock (Mr. Partington) touched on. As we know, Canada is a multicultural nation composed largely of immigrants, people such as my father, many other members of my community and, I am sure, other members in this House. The strength of this country and of this province is the fact that immigrants came to this country between the 1920s and 1950s with the hope that the democratic principles they left behind would be secure in this country and indeed enhanced.

Many immigrants came to this country because their homeland did not include those rights. Canada was a place of opportunity, a place of democracy. It meant the freedom that many of them did not have. It meant they would have the chance to grow in this country and, with God's help, to raise a family, possibly to start their own business and indeed to take great pride in owning some property. That is essentially what it is; aside from the economic aspects of it, it is a matter of pride.

Most of us in this House own some property, some more than others. I myself, with my wife and family, have a house. I take great pride in that. It is a nice feeling. I take more pride in the fact that I have some equity than I do when I consider the mortgage I still have on my house, but it is a good feeling. Having been a mortgage manager for 13½ years before I came into this House, I saw and experienced the joy and pride that many of these immigrants and young people experience when they own some property.

I am conscious that this is something very basic to human nature. I wish every Canadian could own some property. I think it is the duty of parliamentarians as legislators to assist in that regard to the best ability that God has given us. Unfortunately, that cannot always be done. Members of the third party would argue that no one should own any property; the government should own it all. Unfortunately, I disagree with that.

The people in my riding of Guelph are conscious of this right, extremely so, and in particular my many friends and acquaintances associated with the Guelph and District Real Estate Board. While they have an economic reason to promote real estate and property rights, I truly believe the real motivation is based on their belief that our democratic country was built on this inherent right, along with the other three.



I want to conclude by saying that now is the time for us to reconfirm the fourth cornerstone of democracy. Now is the time to re-establish many of the foundations that the immigrants, the new Canadians, thought they were coming to when they came to our great country. I wholeheartedly support the enshrinement of property rights in our Charter of Rights and Freedoms, and I wish to encourage all members of this House to support this very basic and important cornerstone of democracy.

11:50

**Mr. Jackson:** It is a privilege for me to rise from my seat today to respond to this excellent motion. For me, it is a matter of personal conviction. Prior to my entrance to this House, I was a member for 16 years of the real estate profession in this province. I was actively involved with the Ontario Real Estate Association in developing its private property week program and the entrenchment of this resolution. Several years ago, during that time, I had the privilege of meeting the member for Waterloo North for the first time, and I was very much impressed by his early commitment and sensitivity to this very important issue.

Today is Thanksgiving for our neighbours to the immediate south, and one of the prayers of thanksgiving they will be giving tonight is for the fact that in their Declaration of Independence and in their Constitution exists the very right we are addressing in this House today. Indeed, those who know the history of our great province and our great nation are aware that many of the very first Canadians who settled here were persecuted in their own countries because they believed strongly in certain rights. They came to this country and this province for that reason.

They put up with domestic hostilities, with the elements, with natural disasters. As the member for Wentworth (Mr. Dean) and I are all too keenly aware, there were even foreign invaders in our home town of Stoney Creek. They worked hard, and after all, there was the land. They toiled to clear the land to build an agricultural future and destiny for this province. At the end of each working day, these people had a feeling of pride and reverence for the land, which could not be removed. It was a bond that existed for them, and it represented a right they had. It helped to build this province and this nation.

Our forefathers could never have dreamed in their philosophies that the greatest threat to their land was yet to come. That was what we have seen evolve over the past 50 to 100 years in the way of the tremendous government intervention

and the intrusion into basic human rights with respect to the reasonable enjoyment and privacy of their property.

It is clear that former Prime Minister John Diefenbaker felt that this was a historical and inalienable right, and it was included in the Diefenbaker Bill of Rights of 1960. There is one noteworthy subtle difference between that charter and the proposal represented by the member for Waterloo North. That reference is, "Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law." The subtle change which the member has brought to his resolution reinforces and perhaps makes more contemporary the statement that was first made by John Diefenbaker.

I am somewhat concerned at the statement by the member for Nickel Belt. While I feel an abiding respect for him, it is frightening when we can hear in this chamber reference to a privilege being inserted for a basic human right and then there is a rationalization by members of the third party to try to remove the privilege from Ontario's citizens. That is a frightening concept.

The members of this chamber have been introduced to much of the hard work that the Ontario Real Estate Association has provided in regard to this issue in the past six to seven years. They are aware of the fact that the association, through an independent study by professors at the University of Western Ontario, helped to develop a document called *Losing Ground*. This was a completely independent study. It documented that more than 700 laws or parts of laws in one way or another placed restrictions on how property owners could use or enjoy their property.

We all agree that many laws are necessary and acceptable in a free, democratic society. However, some create confusion and intrusion into basic human rights. I had the privilege of representing the Ontario Real Estate Association on the Taylor Flood Plain Review Committee to examine how our conservation authorities, under the mandate they were operating with, were able to sterilize large tracts of land without meaningful consultation with the owners or even the municipalities. That is one example, and many others have been referred to in this House during the debate on this bill.

Aside from that, there was also the Fault Protection Act, which limits a farmer's opportunities to sell his property if he so desires. There are several of these laws.

This resolution calls for fairness and for bringing back a balance into the charter, and we hope we will have this amendment in our Charter of Rights and Freedoms by Canada's Thanksgiving next year.

In conclusion, I encourage all members to support the resolution of the member for Waterloo North, because the preservation of the rights to private property is the very keystone of the arch upon which all civilized governments rest.

**Mr. Epp:** Very quickly, I want to sum up some concerns I have. In doing that, I want to thank the member for Brock, the member for Wellington South (Mr. Ferraro), the member for Burlington South (Mr. Jackson) and the member for Nickel Belt, despite the fact that he was negative with respect to this resolution.

I want to deal with two or three aspects very quickly. One is his assertion that even the Reichmanns could then buy Prince Edward Island. As he and I know, this cannot be the case unless they decide to buy one parcel at a time and the laws of Prince Edward Island were to permit that. This resolution would not allow the Reichmanns—

**Mr. Rae:** No. You are wrong. It would have precedence over any provincial legislation.

**Mr. Speaker:** Order. Perhaps the members will show some respect to the member who is speaking.

**Mr. Epp:** For the member for York South, I want to quote a section of the Constitution which says:

"The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

If he is trying to say the fathers of the Constitution would allow the Reichmanns to expropriate Prince Edward Island, he is off in left field, and he knows it.

The other thing I want to say is that we are protecting people's rights here. We are not protecting property in the sense that it is property; we are protecting people's rights to hold property. That is the distinction that has to be made. It is people we are concerned about, and the members have to understand that.

I will cite very quickly the various organizations that support this: the Canadian Bar Association, the Canadian Chamber of Commerce, the Ontario Real Estate Association and the Canadian Institute of Planners. Various countries have

also supported property rights entrenchment: Italy, West Germany, Sweden and Finland.

I reiterate to my friends across the way that British Columbia supported this, and that included all the NDP members in BC. The NDP members here are building a great valley between themselves and their colleagues in BC.

**Mr. Martel:** All the right wing.

**Mr. Speaker:** If I could have the attention of the members, particularly that of the member for Sudbury East (Mr. Martel), the appropriate procedure now is to place the questions.

**12:06 p.m.**

#### LABOUR RELATIONS AMENDMENT ACT

The House divided on Mr. Mackenzie's motion for second reading of Bill 132, which was negatived on the following vote:

##### Ayes

Allen, Breaugh, Bryden, Charlton, Cooke, D. S., Foulds, Gigantes, Gillies, Gordon, Hennessy, Johnston, R. F., Laughren, Mackenzie, Martel, McClellan, Morin-Strom, Philip, Pouliot, Rae, Reville, Swart, Warner, Wildman.

##### Nays

Baetz, Barlow, Bennett, Bossy, Brandt, Callahan, Cooke, D. R., Cordiano, Dean, Epp, Ferraro, Fulton, Grandmaitre, Gregory, Guindon, Haggerty, Harris, Henderson, Jackson, Johnson, J. M., Knight, Lane, McLean, McNeil, Miller, G. I., Morin, Newman, Partington, Pollock, Polsinelli, Rowe, Runciman, Sheppard, Smith, D. W., Sorbara, South, Sterling, Stevenson, K. R., Taylor, Villeneuve, Ward.

Ayes 23; nays 41.

**12:15**

#### PROPERTY RIGHTS

The House divided on Mr. Epp's motion of resolution 5, which was agreed to on the following vote:

##### Ayes

Baetz, Barlow, Bennett, Bossy, Brandt, Callahan, Cordiano, Dean, Epp, Ferraro, Fulton, Gillies, Gordon, Grandmaitre, Gregory, Guindon, Haggerty, Harris, Henderson, Hennessy, Jackson, Johnson, J. M.;

Knight, Lane, Mancini, McFadden, McLean, McNeil, Miller, G. I., Morin, Newman, Partington, Pollock, Rowe, Runciman, Ruprecht, Shep-

pard, Smith, D. W., South, Stephenson, B. M.,  
Sterling, Stevenson, K. R., Taylor, Villeneuve.

**Nays**

Allen, Bryden, Charlton, Cooke, D. S.,  
Foulds, Gigantes, Johnston, R. F., Laughren,

Mackenzie, Martel, McClellan, Morin-Strom,  
Philip, Pouliot, Rae, Reville, Sorbara, Swart,  
Warner, Wildman.

Ayes 44; nays 20.

The House recessed at 12:19 p.m.



## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## HIGHWAY CONSTRUCTION

**Mr. Turner:** I would like to draw to the attention of members of the House a matter that is of prime concern to the constituents of the Peterborough riding and the Peterborough area as such.

In May 1986, I spoke to the Minister of Transportation and Communications (Mr. Fulton) about a problem that was perceived on the construction of the four-laning of Highway 115 between Highway 401 to the south and Peterborough to the north. The minister replied on November 21, and I received the letter yesterday. Frankly, I was disappointed, dismayed, shocked and finally angered at the response he gave me.

In spite of commitments by the previous government and the demonstrated need for the four-laning of this highway, the minister has stated very clearly in his letter that the remainder of the work between Highways 7A and 35, a distance of 21 kilometres, at an estimated cost of \$27 million, is not in the five-year construction program. I find this totally unacceptable and so do the people of the Peterborough riding.

## UNEMPLOYMENT IN NORTHERN ONTARIO

**Mr. Morin-Strom:** When is this Toronto-based Liberal government going to wake up and do something about northern Ontario? There really are two economies in this province. Since the Liberals came into office 17 months ago, the economy in southern Ontario has continued to grow, while across the north we have gone in the opposite direction. Plants are closing and layoffs are increasing. No new development is occurring. The unemployment rate in northern Ontario is nearly double that in the south.

What has the government done? Very little except for studies and reports, conferences and media events. The government is looking at options for saving the 1,500 jobs threatened at the Goodyear plant in Metro Toronto, but there was never any commitment to do anything about the 1,500 workers losing their jobs at Algoma Steel. Tens of millions of dollars are committed to auto plants in communities across southern Ontario, but nothing is done to bring new industry to northern Ontario.

The lumber industry is in a state of siege. Hundreds of workers are out of work across the north as we offer the Americans first 10 per cent, now 15 per cent, and who knows where it will end. The Premier (Mr. Peterson) looks good by kicking the Prime Minister's incompetence at negotiating, but the Premier has not acted to help those communities that are suffering.

The New Democrats have laid out a 10-point program to help the north. The ideas are not new. They have been endorsed by northerners time and time again, in the Fahlgren report, in the Rosehart report and even in Liberal campaign promises. This government has responded with a zero-point program. We need this government to do something for the north now.

## SHORELINE PROTECTION

**Mr. McGuigan:** It is my pleasure this afternoon to introduce to this Legislature a group of very dedicated men who over the past summer and fall have contributed their services to the people of Ontario. In the gallery today are Shannon Olsen, Ray Lavereau, Roger Vermeulen, John Plyley, Dr. Reid Kreutzweiser and our consultant, Doug Hodgins of MacLaren Plansearch, who along with the member for Haldimand-Norfolk (Mr. G. I. Miller) and myself formed the Shoreline Management Review Committee.

The gentlemen I have mentioned were very much interested and involved in the plight many Great Lakes shoreline communities are facing now and have faced over the past couple of years. While working as their chairman, I recognized immediately the value of their experience and insight. These men have all proven their dedication to assisting the government of Ontario in minimizing the damage and hardship that erosion, high water and storm flooding can cause and have caused.

Our report, which was delivered to the Minister of Natural Resources (Mr. Kerrio) and the Minister of Municipal Affairs (Mr. Grandmaître) earlier this month, culminated nearly eight months of speaking with the public and many hours of reviewing technical submissions.

When it is released, the committee's report will prove to those of this House who questioned our appointment that our intention was to give recommendations designed to be practical, beneficial, responsible and, above all, nonpolitical.

As this government wanted, the recommendations are for the good of all Ontarians.

### HIGHWAY SAFETY

**Mr. Hennessy:** I address my statement to the Minister of Transportation and Communications. He probably does not want to hear this, but I can only hope it will jolt him into having immediate action taken on this important matter.

This year alone, which for the minister's benefit is 1986, there have been 68 traffic accidents on the Thunder Bay Expressway. These personal injury and property damage accidents have occurred at 10 intersections along the expressway.

For the minister's information, I will tell him why these accidents happened. Drivers enter the Thunder Bay Expressway at highway speeds, unaware that they will shortly encounter numerous intersections controlled only by amber lights. Drivers turning into the expressway have to take their chances on whether they will live to make the turn.

Why will the minister not listen to the corporation of the city of Thunder Bay? Why will the minister not listen to the Thunder Bay Professional Fire Fighters Association? Why will the minister not listen to the people of Thunder Bay in the north? We need concrete highway dividers. We need advance signal change warning lights about a quarter of a mile away from the intersections to warn drivers that the signal ahead will be changing. We need extra vapour lights along the expressway so that people can see what is ahead.

The minister's lack of determination and leadership is killing the people in Thunder Bay. We expect some action on the expressway problem.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I want to make another statement about the swamp. My friend the Minister of Labour (Mr. Wrye) saw a bill go through committee several weeks ago, second reading of a bill on behalf of the city of Windsor. In addition to a number of other things, it included right-to-know legislation for the city of Windsor. The city wanted it and the committee passed it. Apparently, the minister would not allow the bill to be called for third reading; so the government House leader had to send it back to committee to have that part eliminated.

This is the man who says he represents labour. The Windsor area has the highest incidence of illness and sickness in Ontario. This Minister of

Labour knew full well that the bill contained a sunset clause whereby the Windsor bill would die when the federal legislation came into existence. This Minister of Labour withdrew that protection for people in the Windsor area to have right-to-know legislation in place from this day forward, and who were prepared to allow that legislation to die once the federal legislation was in place.

This Minister of Labour is an absolute disgrace.

### LIBERAL-NEW DEMOCRATIC PARTY ACCORD

**Mr. Henderson:** I rise to inform the House that the accord is alive and well. I thank the leader of the third party the member for York South (Mr. Rae) for the very kind letter I received from him yesterday. The member welcomes me to the only party that is on my side and puts my interests first, the Ontario New Democratic Party. What a pleasure it is to hear those words. I need all the help I can get.

Some doctors in Ontario have despaired of finding a political party on their side. They have a friend in the member for York South. I broke the news to some, and I would not be here long were I to quote their responses.

The member goes on to say: "We have brought the Liberal horse to the well. It still does not want to drink." I know just how he feels, and yet he should be so lucky to have gotten it there. I too tried to bring the Liberal horse to the well, and it would not drink for me either.

I am truly delighted to learn that the third party is on my side and puts my interests first. No other party has ever made that claim. This is the accord at its very finest.

### HIGHWAY CONSTRUCTION

**Mr. Stevenson:** The delay in highway construction is causing a serious problem in my riding as well. The delay in building Highway 89 south of Lake Simcoe, and in particular east of Lake Simcoe, has caused congestion and confusion in the area.

More important, along Highway 48, through the village of Virginia and near the Morning Glory Public School, we have a real traffic problem with heavy trucks passing on the right-hand shoulder and causing a great deal of concern among local travellers and parents whose children are coming and going from that school.

We have had two meetings regarding this issue, and so far there is still no positive move

from the minister. The people would like to see this problem clarified.

13:39

## STATEMENTS BY THE MINISTRY AND RESPONSES

### CONFLICT OF INTEREST

**Hon. Mr. Scott:** Later today I will introduce for first reading the Members' Standards of Office Act, 1986. Last July, the Premier spoke to the assembly about conflict of interest and set in motion a process to review the current guidelines and to consider proposals for reform. The Honourable John Black Aird kindly agreed to carry out the task and presented his report to the Premier in September.

The bill I introduce today recognizes the need for legislated standards. It adopts the basic wisdom of the approach recommended by Mr. Aird. The bill has four elements.

First, a clear, comprehensive and objective definition of a conflict of interest is provided and a concise of code of conduct for members established. Second, a broad disclosure rule is declared for all assembly members, their spouses and minor children. Third, a system is established to make available to members, advice that they can follow with confidence and certainty. Fourth, a method to determine and sanction breaches of the standard is established.

Although Mr. Aird's recommendations were directed to ministers, we propose to extend most standards to all members of the Legislative Assembly. This reflects the importance we attach to the role of each member of the assembly. Moreover, it is consistent with the provisions of the Legislative Assembly Act governing members' conduct and with conflict legislation in almost every other province.

First, the definition of conflict of interest in the code of conduct: The bill declares that a conflict of interest exists when a member makes a decision in relation to his or her public duty in the knowledge that there is an opportunity to further his or her private interest. This is an objective test. It both protects the public interest and provides meaningful guidance for members.

The bill sets out a code of conduct for all members. As one example, they will all be prohibited from using confidential information or the influence of their office to further private interest. Additional restrictions are placed on members of the executive council. As a general matter, they cannot engage in professional practice, carry on a business or hold outside office.

The bill applies to parliamentary assistants only as members, because their role is largely defined by the ministers they assist. Confidential staff are not covered by the bill since it regulates only the conduct of members, but members will continue to be responsible for their confidential staff. Further, the bill does not attempt to deal with the question of whether individuals who serve as paid lobbyists should be subject to some form of regulation. I regard the issue of lobbyists as separate and distinct from the matter of the proper conduct of members of the assembly. The appropriate response to the issue of lobbyists is currently under study in the ministry.

Second, the disclosure rules: Following the principles in the Aird report, the bill imposes stringent disclosure requirements on all members. Every member must disclose all assets, liabilities and income without exception to a commissioner appointed under the bill. We believe that only complete disclosure will protect the member from the pitfall of guessing what must be disclosed and what is exempt from disclosure. The commissioner will then prepare a public disclosure statement, which will be filed with the assembly and be available for public inspection.

The same disclosure requirements apply to the spouse and minor children of each member. As Mr. Aird recognized, this presents a difficult issue. We must not only respect but also promote the economic independence of spouses. At the same time, Ontario family law recognizes that spouses share a community of economic interest. Therefore, we propose that in exchange for complete disclosure, spouses will be free to carry on their business or professional life without restriction.

The use of the so-called blind trust as an alternative to full disclosure received considerable attention in the Aird report. Mr. Aird stated that he preferred to avoid the use of blind trusts in favour of full disclosure of a minister's business dealings. Mr. Aird considered recommending the abolition of blind trusts altogether. In the end, however, he decided that such arrangements still had some utility.

In our view, the blind trust mechanism requires a blind faith in its opaqueness that the citizens of this province are no longer able to share. Accordingly, this bill makes no provision for blind trusts as an alternative to full disclosure. At the same time, we do not believe that a minister, on taking office, should be required to divest, that is, to sell off or dispose of all his assets. To so require would effectively discour-



age those who have been successful in previous careers from entering public life. In any event, divestment might well be impossible or involve grave financial hardship.

Thus the bill provides for a management trust that, during office, will manage the minister's business. Under this arrangement, the trustee must be at arm's length with the member and must be approved by the independent commissioner appointed under the act.

**Mr. Sterling:** Like Greg Sorbara's brother.

**Hon. Mr. Kerrio:** Like Gordon Walker's wife.

**Hon. Mr. Scott:** I will read the sentence again for the honourable member. Under this arrangement, the trustee must be at arm's length with the member and must be approved by the independent commissioner appointed under the act. The trustee is prohibited by law from consulting with the minister in respect of the management of the trust property. However, material changes in the trust holding must be reported to the minister and to the commissioner. The aim is twofold: to prevent the minister from interfering with the management of the trust and to ensure that the minister knows the actual trust holdings. He will then be responsible for avoiding conflict of interest in relation to those holdings.

The cornerstone of the bill is the office of the commissioner, to which I have already referred. Both the Aird report and the report of the standing committee on public accounts emphasized the need for an independent office to provide advice to members with respect to their duties. Under the bill, the commissioner, who will be an officer of the assembly, will provide advice to members regarding their obligations, investigate alleged breaches of the act and recommend sanctions in cases where the act has been breached.

By giving the commissioner this complete range of functions, the bill provides the fullest possible opportunity for members to fulfil their obligations. They will have advice available to them on a regular basis and they will be able to seek immediate advice on situations as they arise. Most important, they will have the necessary assurance that if they have fully and frankly consulted the commissioner and followed his advice, the commissioner will not find the member in breach of the legislation. Members will be at risk only where they fail to consult the commissioner fully and frankly or where they ignore the advice. Thus, it will be entirely within the member's power to avoid contravention of the act.

In Mr. Aird's view, there was no need for specific sanctions. The glare of publicity following release of the commissioner's report would, in his opinion, expose the member to the censure of the electorate and the member's party. There is much to be said in favour of Mr. Aird's approach. However, at this unique point in Canadian legislative history, public confidence in government probably requires the support of a definite sanctioning power. Within the context of our approach, it is obvious that the commissioner is in the best position to assess a member's conduct.

The role of the commissioner in interpreting the requirements of the act and advising members on matters of compliance will ensure that consistent standards are applied in determining breaches of the legislation. For members, fairness means consistency. They will have the assurance that if they have acted in good faith and sought and followed the advice of the commissioner, they will not be subjected to a different tribunal operating on different assumptions and making different interpretations.

The commissioner will have the power to recommend a specific sanction, ranging from a reprimand, to restitution, to loss of the seat and prohibition against immediate re-election. It will then be in the hands of the assembly whether the commissioner's recommended sanction should be adopted and enforced against the member. Ultimately, the fate of the member, though guided by the commissioner, will then be determined by the collective will of all the members whose integrity is compromised by the misconduct of any individual member.

In our view, the standards of conduct of members of this assembly are already high. There is no need for a set of unnecessarily harsh restrictions that will discourage individuals of high calibre and integrity from seeking public office. Instead, what is needed is a clearly defined set of rules to serve as a guidepost to members as well as a mechanism for resolving doubtful cases. This bill seeks to provide those missing elements. It is an approach that is simple, fair and reasonable. I am confident it will, if enacted, enhance public confidence in government in the province.

**Mr. Harris:** I want to respond to the statement made by the Attorney General on conflict-of-interest legislation. He does not call it that now; it is the Members' Standards of Office Act.

**Mr. McClellan:** The members are in conflict.

**Hon. Mr. Kerrio:** We are all in this together.

**Mr. Harris:** Yes, we are all in this together; there is no doubt about that.

The problems that have developed with this government did not develop with guidelines that were not sufficient. They did not develop with guidelines that were fuzzy, as some have put forward. They developed with the cavalier attitude of the Premier, and the government led by the Premier and his cabinet, towards any guidelines, regardless of what those guidelines were.

Conflict of interest is a matter of common sense. It is not a difficult matter to determine whether somebody has breached a conflict of interest. It is something that is difficult to define in law, as many of these laws are, but it is simple to interpret actions of common sense. It is that attitude that has caused the problems for this government, and now it is trying to duck its responsibility with this ridiculous bill that is being introduced today. I call it "ridiculous" without even having seen it. However, based on the statement, it appears as though that is the way it is going to be.

Mr. Aird stated that Blenus Wright was not successful in ensuring compliance, but now we are going to have another commissioner who will be successful in ensuring compliance. No rule or no individual commissioner is going to ensure compliance. The responsibility falls on the government; it falls on the Premier. The Premier's attitude from the beginning and his attitude as reflected through his cabinet is where it falls. No bill, no amount of deflection and no amount of this silliness take away from that responsibility.

I will have to take a look at the bill before I comment on the back-benchers' part. I do not know what he is putting in there, but it does not appear to me that back-benchers are the ones who make decisions on expenditures of the crown or decisions on where expenditures will be made, where contracts will be going or the rest of it. I fail to see how they are going to be covered, but it may be that the Attorney General has come up with a way. I will wait until I see the bill.

Parliamentary assistants are entirely responsible for all the regulations of the government. They have access to all the confidential information, or potentially all of it. The only reason they do not is if the minister does not trust them and, in the case of this government, I understand that may very well be the case with some. For those people who are going to be ministers, who have access to that information and who are responsi-

ble for all the regulations, to be excluded is absolutely ridiculous.

This is a matter of judgement, a judgement of the person who makes the appointments. It is the judgement of the Premier. I know some of my colleagues want to comment on it. Let me finish by saying there is an old Hungarian saying, and I think it applies here: "The fish stinks from the head." That is the problem the government has had and will continue to have.

**Mr. Pope:** I find it fitting that the Premier was not present today as the Attorney General (Mr. Scott) of this province gave the formal admission of failure when it comes to this problem and the way this government has handled it. This is a government that said, when it came into office, it would be squeaky clean. All of us have spent the past six months looking at conflict-of-interest problems that have arisen in that cabinet.

This government said that all the t's would be crossed and all the i's dotted. Then we had the Premier of this province admitting that he never took the time to administer or enforce the conflict-of-interest guidelines. This is a Premier and a government that said they would be open. Then we found that they secretly rewrote the guidelines in 1985 and never bothered telling the public. This is an admission of failure of this government on one of the most important elements of basic democratic government, the trust and confidence of the public, the people of this province, in their cabinet ministers. This Premier and this government have totally failed and breached the public faith.

**Hon. Mr. Sorbara:** On a point of order, Mr. Speaker: I want to raise one quick point of order based on the comments of the opposition House leader. It proves he is living in history. He refers to the fact that parliamentary assistants are in charge of all regulations. That may have been the process with the previous government, but as chairman of the regulations committee of cabinet, I take—

**Mr. Speaker:** Order. That is not a point of order; it is a point of information.

**Mr. Breaugh:** I want to reply to the Attorney General's announcement today. Before I do, I want to express a small measure of regret. He sent the Aird report out to the standing committee on the Legislative Assembly. It would have been a reasonable thing to co-ordinate the response from the committee, which is virtually finished, with the introduction of legislation. He chose not to do that. I regret that. I think that was a move which he will himself regret in large measure shortly. He cannot treat committees of this



Legislature in that way, with that kind of disdain.

If he wants us to do the work on reports, such as this one on conflict of interest, he has at least to do the decent thing and allow the committee to report. That committee's job is just about done. In going through his statement today, I found there were not a great many areas where the committee will be apart from the government's initiatives.

I want to make two quick points. One is that it was an unfair and stupid thing to do. Perhaps it was done because the government does not know how to run the show yet. Surely it should have people around it who will tell it that there is a committee report coming in next week and that it would be appropriate to wait one more week before introducing legislation. The government is going to regret that. That is going to cause it some problems.

I do not know who makes up the titles of the government's acts, but to call this one the Members' Standards of Office Act is surely crazy. That is not what the government is talking about; it is talking about conflict-of-interest legislation. It would do the world a favour if it would just name the bill for what it is.

Let me go through quickly in response to what the minister had to say, because I do not think there will be complete unanimity about this. I think the committee will agree that disclosure is the cornerstone of it all. Complete, public disclosure is the fallback position that the minister will have to put in place. I caution all members that it is going to be complete and public, which is going to be uncomfortable. It is also going to have an element in it that will not be dissimilar to what most American jurisdictions do.

In the American political experience, when someone enters public office, he files certain documents. This is called disclosure. There is then a very active examination into whether or not one has filed all the documents one has. That is pretty alien to our political system, but I think we are headed in that direction. I know the minister avoided it in here, but I think he will come to realize, as the committee has, that there will have to be occasions when complete divesting is necessary and when nothing short of that will resolve the problem.

The government has begun to identify, by the recommendation in here that all members will have to disclose, that this act will have to apply to all members of the assembly. The government is not going to like this, but it is going to have to recognize that at some point the old tradition that

one can go and hold a job four days a week and show up here one day a week is not going to last much longer and that it is going to have to address this practice. Whether it likes it or not, whether it wants to do it now or not, it is going to have to deal with all members of the assembly as peers. The rules of the game will have to be the same for everyone, no matter what the consequences are.

I will say in closing that I welcome any legislated form of conflict-of-interest rules. They are long overdue in this province. Most of us wished long and hard this summer, as we sat in committee, that there were a law in place and that we had that to deal with rather than the guidelines.

**Mr. Rae:** I want to say to the Attorney General that, under the guise of this legislation, the government has in some respects taken several steps backward. In fact, it is requiring less divestment by members of the executive council, by cabinet ministers, than is the case now. It has set out rules that are even less clear and that give all the power to an as yet unnamed commissioner.

I make the point that has been made by my colleague. Our view is that divestment should be the basic rule with respect to members of the cabinet, unless it can be clearly established that this is not workable in an individual case and would cause undue hardship, a decision that should be up to the discretion of the commissioner.

Instead of that—and this is very interesting, and the naming of the bill is not an accident—the government has changed the perception and the reality. Cabinet members have a particular responsibility. They are responsible for spending public money. I am all in favour of rules for every member, but the rules for members of cabinet have to be considerably tougher than these rules are.

#### INTERNATIONAL EDUCATION EXCHANGES

**Hon. Mr. Sorbara:** Since taking office, this government has made it a policy to expand the international dimensions of our post-secondary institutions and related agencies. We believe that education is an appropriate mechanism to build better relationships on the international scene.

The evidence is clear that co-operation in this area has significant short- and long-term benefits, not only intellectual but also social, cultural and certainly economic. Consider, for example, the central role that education played in the twinning agreement with Jiangsu province in the

People's Republic of China and the already tangible economic, cultural and educational benefits.

It is within this policy framework that I recently led an Ontario government mission to five Middle Eastern states: Oman, Yemen, Saudi Arabia, the United Arab Emirates and Kuwait. The purpose of the mission was to explore and set out in memoranda of understanding areas for educational co-operation and development between these states and Ontario.

Nous avons rencontré des hauts fonctionnaires du gouvernement et des représentants du milieu de l'éducation dans chacun de ces États pour connaître de quelle façon les spécialistes ontariens de l'éducation et de la technologie pourraient leur venir en aide.

Nous avons également profité de cette occasion pour engager publiquement les entreprises ontariennes et canadiennes qui exercent, ou comptent exercer des activités industrielles ou commerciales au Proche-Orient.

The groundwork for the mission was laid out by the Ontario International Corp. over the past several years and by my predecessor, the member for York Mills (Miss Stephenson). The Ontario International Corp. had done several exploratory and advance missions to this area and had identified a considerable amount of potential for Ontario's service industries to develop opportunities to the Middle East.

We asked the member for York Mills to assist in this mission as a special adviser. She did important groundwork in the area as my predecessor, and I want to thank her publicly for the invaluable contribution she made to the success of our trip. I want to point out to the House some of the areas in which Ontario has had considerable success as a result of this mission.

In the state of Oman, we had a clear indication of the government's intention to proceed towards a memorandum of understanding in the very near future.

It is a matter of some pride that, on the occasion of the opening of the Sultan Qaboos University, the University of Ottawa was selected, through Dr. Antoine d'Iorio, the rector of the university, to bestow an honorary degree on Sultan Qaboos Bin Said, the head of state of Oman. This is a world-class university, which has several Ontarians in key teaching and administrative positions. I note specifically that Dr. Gilbert Heseltine, formerly of the University of Western Ontario, is the dean of the college of medicine at Sultan Qaboos University.

In the Yemen Arab Republic, we entered into a very specific memorandum of understanding that provides for, among other things, an ongoing technical committee.

In Saudi Arabia, we had extensive discussions that we believe will result in the signing of a memorandum of understanding in the very near future.

In the United Arab Emirates, we lent important assistance to Cansult Ltd.'s bid to be the project co-ordinator for the faculty of medicine at the United Arab Emirates University.

In Kuwait, we entered into a memorandum of understanding that we expect will greatly expand the sale and transfer of Ontario's expertise, particularly in the area of technical education.

These countries are taking education extremely seriously, and Ontario wants to be a part of that process. I will report to this House in the future on what I hope will be considerable benefits to this province and to our country as a result of this mission.

#### ARTS APPRECIATION DAY

**Hon. Ms. Munro:** In recognition of the talented artists throughout the province and the special encouragement they will receive from CBC's 12-hour Radiothon for the Arts, I would like to name this Saturday, November 29, 1986, Arts Appreciation Day.

I am sure I speak on behalf of all the honourable members when I say we are proud of the tremendous contributions Ontario's artists have made to this province and to this country. The talent and imaginations of our artists instil in us fresh perceptions and ideas. They entertain and enthral us with their excellence. Their creativity transcends geographic and regional boundaries, touching audiences in Canada and throughout the world.

The CBC, in honour of its 50th anniversary, is planning to broadcast a province-wide 12-hour Radiothon for the Arts from 6 a.m. to 6 p.m. on Saturday. This radiothon will pay tribute to our performing artists and arts organizations.

The CBC Radiothon for the Arts is a fund-raising initiative which will feature a variety of artists in Sudbury, Windsor and Thunder Bay. I am very pleased to be endorsing the CBC radiothon as another way of helping Ontario's people enrich their lives and communities.

By naming Arts Appreciation Day this Saturday, November 29, I hope members will join with me in applauding and supporting the valuable contributions of Ontario's artists.



**Mr. Harris:** On a point of order, Mr. Speaker: With reference to standing order 88(d), and noting that I have raised this issue in the House on two specific occasions—namely, Wednesday, October 15, and Thursday, May 8—I raise the issue yet again.

There are currently 172 unanswered Orders and Notices questions, some of which date back to December 1985. I am sure I do not have to point out the fact that these questions are nearly a year old and that with a civil service of more than 80,000 employees, and apparently growing, there is absolutely no excuse for this negligence.

I am formally registering this party's disappointment at this so-called open government's irresponsible behaviour and asking for immediate action to answer those Orders and Notices questions.

**Mr. Bernier:** Point of order, Mr. Speaker.

**Mr. Speaker:** It is a point of order that has been raised.

**Mr. Bernier:** I have another point of order and a matter of information, Mr. Speaker.

**Mr. Gillies:** It is a distinct point of order, Mr. Speaker. We are sure of it.

**Mr. Speaker:** Order. I appreciate it, but the member for Nipissing (Mr. Harris) got up and very clearly stated the number of questions he was referring to, and he wants that drawn to the attention of the government House leader or of the ministers responsible. He has done that.

**Mr. Bernier:** On a point of order, Mr. Speaker: I have brought this issue up four times in the last year. I have asked you to do something about this.

**Mr. Speaker:** I would like to burn the midnight oil and get the answers for you, but I cannot. I will do the best I can, and I am sure the message will be transferred to the government House leader.

14:10

## ORAL QUESTIONS

### PLANT SHUTDOWN

**Mr. Gillies:** The government will not answer questions in Orders and Notices; let us see if it can answer verbal questions. My question is of the Minister of Industry, Trade and Technology.

The minister knows that 1,553 workers at the Goodyear plant in Etobicoke are waiting to see their fate, wanting to know if they are still going to have jobs or whether this government has any plans to provide new jobs for them. This waiting is causing a strain. Two of those workers have

had nervous breakdowns and are hospitalized because of this situation.

We understand that as of this morning no politician, minister of the crown or official of the government of Ontario has contacted the union at the plant to offer any plans for assistance, any retraining or any employment programs of any sort. I am told by the president of the union that the only call they have had was one of federal assistance being offered by the federal member for Etobicoke-Lakeshore.

**Mr. Speaker:** Question, please.

**Mr. Gillies:** Is the minister prepared to tell those workers and this House now what plans he has for the future employment, re-employment or retraining of those 1,553 workers?

**Hon. Mr. O'Neil:** The jobs have not been lost yet, and we are continuing to deal with the company to see what we can do. Yesterday, I wrote to Robert E. Mercer, who is chairman and chief executive officer, asking him to consider, first, building a new plant and, second, whether they would extend the closing.

Some of the other matters the member mentioned have been under discussion by myself, the Minister of Labour (Mr. Wrye) and our officials to see how we can best help the workers if they are laid off.

**Mr. Gillies:** Does the minister not think the workers have a right to know what plans he has in mind and what he might be able to do for them? I want to read to him a brief quote from union president Dave Birrell, contrasting the situation today with the situation in 1981, when the plant was threatened with closure. Mr. Birrell said:

"In 1981, the government came forward with good ideas and financial assistance which turned things around. The workers of the time were confident and had good feelings. This time there is a lot of hostility. The province did not try to do anything until it was too late, and now we do not know if it is going to be successful."

What specific programs, by way of retraining through the Ministry of Skills Development and by way of re-employment, can the minister offer these workers? His good assurances are not enough. What is he prepared to do for them now?

**Hon. Mr. O'Neil:** These are matters that have been under discussion by our officials. I do not believe the member has been properly briefed. I believe he will find that the Minister of Labour met with the union earlier this week.

**Mr. Gillies:** I have to take the union president at his word that he has heard nothing.

Under the \$100-million Ontario's Training Strategy, which was announced this fall by the minister's colleague the Minister of Skills Development (Mr. Sorbara), our understanding is that the training strategy that was in place from the previous government for older laid-off workers has been discontinued and the only training programs the government now has for older workers are those for which the company applies when those workers are going to continue employment with the company. We fear that will not be the case with these people.

**Mr. Speaker:** Question.

**Mr. Gillies:** Will the minister put into place a strategy and training programs for the re-employment of older laid-off workers? It has worked well and served this province well in the past. Why will he not reintroduce it and ensure that it will do so in the future?

**Hon. Mr. O'Neil:** As I stated before, we will explore all the possibilities of trying to keep that plant open before we get into finalization of some of these matters, which have been discussed by our officials.

**Mr. Pope:** The minister is exploring possibilities while workers are being laid off. That is the reality of the government that is before us.

**Mr. Speaker:** Your question is of which minister?

#### TARIFFS ON SOFTWOOD LUMBER

**Mr. Pope:** I have a question of the Minister of Industry, otherwise known as the minister in charge of the deindustrialization of Ontario. It has to do with the softwood lumber matter.

Since he has been strangely silent on this matter for some time, can the minister indicate to this House what documents have been filed with the Department of Commerce in Washington and what Ontario's position is in detail with respect to the preliminary countervail decision? Which elements of that decision is he challenging and what documents has he filed?

**Hon. Mr. O'Neil:** As I told the member yesterday, I do not think there have been as many new plants established in the province as in the past year and a half. The Treasurer (Mr. Nixon) just brought me up to date: also, 157,000 more jobs have been created in the province than there were in the previous year. That is how well the province is doing.

As I have stated in this House before, we have just been through the verification process in which we have had people from the Department of Commerce up here. We have been working

very diligently with them and have been supplying them with information that we feel is pertinent to this case. At the hearing that will be held on December 4, the industry will be represented by its lawyers; we will also be in attendance. If there is not a termination agreement, we will be filing our information before the December 14 deadline.

**Mr. Pope:** The minister knows full well that under the preliminary decision, his position for the December 4 hearing had to be filed by November 24. The truth is that he has not filed anything. He has one letter from the Hogan and Hartson law firm in Washington that says they are representing the government of Ontario through Blake Cassels and Graydon but contains no specifics about which elements in the preliminary decision he is challenging.

The minister went along with the eight to 10 per cent solution knowing it would cost 500 to 1,000 jobs. How many jobs are going to be lost with the 15 per cent solution? What he is going to do to help those workers?

**Hon. Mr. O'Neil:** We are of the opinion, as we have been in the past, that we will continue to work very diligently right through the whole process to make sure jobs are not lost.

**Mr. Pope:** In Vancouver, the Premier (Mr. Peterson) failed to bring the other provincial governments and the federal government along with Ontario's position. He failed because he lacked credibility. He does not even have credibility with his Quebec friend Premier Bourassa. Not one government supports Ontario's position, because this Premier failed on behalf of the workers of northern Ontario.

My question to the minister is this, can the minister indicate to this House and to the people of the province, including representatives of the workers of Nakina, Longlac and Terrace Bay, what arrangements and what negotiations he has had with the federal government with respect to the 15 per cent tariff imposition? What is the impact going to be on Ontario? How is that amount going to be covered? What negotiations has he undertaken to help the workers of Ontario?

**Hon. Mr. O'Neil:** Before I answer that question, I want to tell the previous questioner that the Minister of Labour met with the rubber workers' union at Goodyear on Tuesday morning; so that meeting was held.

I do not know where the member for Cochrane South (Mr. Pope) has been in the past month or so when we have been talking about these matters. It is in the paper every day, on the radio and on television, what this Premier and this govern-

ment have been doing to fight for those people. Let me read the member something—

**Mr. Foulds:** This is politics by public relations, not by action.

**Hon. Mr. O'Neil:** The member may feel that way because he is in the opposition and he is speaking politically.

Here is a wire from E. B. Eddy Forest Products: "As one of Ontario's major lumber producers, we want to thank you for the stand that you have taken on the lumber countervail issue at the Vancouver conference."

Interjections.

**Mr. Speaker:** The member for Lake Nipigon would like to ask a question, if members will allow it.

14:20

**Mr. Pouliot:** I have a question for the Minister of Industry, Trade and Technology. With all due respect, getting an answer from him is worse than pulling teeth. He blames the previous administration when the seriousness of the case is appalling and shocking. We have people in the gallery who have spent thousands of dollars to come and tell him today they are losing their jobs. Yesterday and today, the minister goes on and on. The more it changes, the more it remains the same.

The question is very simple. Perhaps the minister can help me with a straight answer, not empty platitudes. Is he or is he not going to file a written submission with the Department of Commerce in the US to help offset the countervailing duties? No platitudes: Yes or no?

**Hon. Mr. O'Neil:** Yes, it has been decided by our solicitors and those involved in the ministries that we will be filing the information with them. We have until December 14 to file that information.

**Mr. Pouliot:** I am shocked. I must compliment the minister on his born-again spirit of truth.

I have a supplementary following the recent action of the minister regarding the layoffs at Goodyear—truly, tales of Houdini. We belong to the second Ontario. We have not seen him rush to protect our jobs. We have seen him go literally with cap in hand, adopting the policy of the beggar—too late, of course—to try to save those 1,500 jobs in southern Ontario. That point is well taken. However, we have not seen any action from the minister. We have been treated as second-class citizens.

**Mr. Speaker:** The question is?

**Mr. Pouliot:** Will the minister today give a commitment that Kimberly-Clark will be asked

to open its books—because the workers do not believe it is not doing okay—that a full investigation will be conducted and that as a result of keeping within its cutting limits, it will guarantee the jobs that are very much needed in Ontario?

**Hon. Mr. O'Neil:** The member knows how important we regard this, because this minister is meeting with him and that group this afternoon.

**Mr. Morin-Strom:** It is quite clear that this government has no industrial policy whatsoever for northern Ontario. We need one that includes an infusion of major capital funds into the north to ensure that jobs are created in the north from industries that make sense there.

On November 6, 1986, this Legislature passed a motion by my colleague the member for Port Arthur (Mr. Foulds) calling for an independent northern Ontario economic diversification fund, to be managed by northerners, that would be used to diversify the northern economy. Will the minister respect this Legislature's opinion and act to start up this fund and get funds available for northerners to use to generate the jobs we need across the north?

**Hon. Mr. O'Neil:** That member is the last one who should ask a question such as that. A conference on the north was held in his riding, a new Ontario Development Corp. office has been opened, there was the appointment of a new assistant deputy minister in his riding and there have been many other things. I cannot understand why he would ever ask a question such as that. His riding is receiving a lot more than some other ridings.

Interjections.

**Mr. Speaker:** Order. You are wasting the time of members who wish to ask questions.

**Mr. R. F. Johnston:** I understand the outrage of my colleagues on this issue.

#### DAY CARE

**Mr. R. F. Johnston:** I have a question for the Premier with regard to his peekaboo policy on child care issues in Ontario.

It was with some surprise that I saw the Premier on television talking about Ontario's intention to provide operating grants to nonprofit centres and to move to income testing so that assistance is targeted to more low-income families in Ontario. We have been waiting for the white paper; we expected it last spring. The Minister of Community and Social Services (Mr. Sweeney) had nothing to say to Ontario's day care coalition this fall. The Premier went to British Columbia to make this announcement.



Why did he go there? When will we hear his announcement and statement in this House? Does he really intend to delay any action for another six months as the two of them were hinting out there?

**Hon. Mr. Peterson:** We were discussing so-called women's issues on the agenda at the first ministers' conference. I do not regard them as exclusively women's issues. One of the key issues is child care. As the member knows, Ontario has a considerable way to go to bring its policies in line as we would like to see them. The minister has been working very conscientiously on that for the last little while.

We also believe we need a federal-provincial national strategy with respect to the financing. Because of his intimate knowledge of the situation, the member will be aware of some of the ramifications of that. I was trying to urge my peers to get together on the financing aspect. I said then that we are moving into direct operating grants and income testing. This is a very major step forward, as I am sure my honourable friend will acknowledge.

He must also recognize that it is better to go for a co-ordinated financial strategy with the federal government, which is wrestling with these problems at the same time. I suggested to the Prime Minister that we get the finance ministers together with the ministers for community and social services and the ministers responsible for women's issues, not just the ministers responsible for community and social services, to look at the financial ramifications of this question. I am trying to urge urgency on my colleagues in this regard. We have told the member the direction in which we are moving.

**Mr. R. F. Johnston:** The Premier will not be surprised to know we support both those initiatives; we just had not heard them here in this House. He should not be surprised that I am a little offended to hear that the government is also moving into the field of giving direct grants to commercial centres in this province, according to the Attorney General (Mr. Scott) and the Premier, as he was interpreted in the press. Why are we hearing about that major change in initiative, which would bring nursing home policies to child care issues, when we have a select committee on health that is looking into the expansion of that assistance to commercial and private enterprise in this province?

**Hon. Mr. Peterson:** With great respect, I do not think the member is quoting the Attorney General accurately on this matter. We cannot

give direct grants to commercial operations under the current—

**Ms. Gigantes:** Oh, yes.

**Hon. Mr. Peterson:** My friend the member for Ottawa Centre (Ms. Gigantes) gets so excited all the time, even when she is wrong. If she will listen for a moment, she may hear the facts of the situation.

We cannot do that under the present financing arrangements. We are looking for rationality in the financing. We recognize that we have a long way to go. I am delighted the member supports the direction in which this government is moving. It is a significant step forward. To those people who do not understand the significance of it, and I know the member does, he will want to say this is a major step forward. We are trying to sort out the rationality of the financing between the federal and provincial governments. We are pushing as hard as we can.

I apologize if my friend was offended because the statement was not made in this House as opposed to being made to my colleagues.

**Mr. R. F. Johnston:** We still have not had one here.

**Hon. Mr. Peterson:** I have told the member. He knows where we stand. We are reasserting it right now. He should not get excited about things he does not know but should celebrate the things he does know.

**Ms. Gigantes:** I will be glad to provide the Premier with a transcript of what his Attorney General said in British Columbia. The Premier knows that no province using the income testing route at present is using the maximum income guidelines. I wonder whether he will assure us that when Ontario goes this route, which we approve, we will move to the maximum level so the greatest number of families will receive benefits from that change in policy, which he can carry out now, by the way.

**14:30**

**Hon. Mr. Peterson:** I am not prepared to give my honourable friend any particular undertaking at this moment. What we are looking for is the maximum impact for the moneys expended. As my friend knows, and I indicated this to her in this House and to my colleagues in Vancouver, this is a major leap forward and a new method of dealing with these questions.

What we also want to look at in very pragmatic terms is that for the amount of moneys expended—and believe me, it will be substantial—we get the maximum number of new spaces. Obviously that is one of our concerns. We are working this

out with the federal members, and I think the member should stop being so negative about these matters.

#### LAYOFFS IN NORTHERN ONTARIO

**Mr. Pope:** My question is to the Minister of Industry, Trade and Technology, who is proud about his job creation efforts in the province when more than 5,000 northern Ontario residents have lost their jobs already this year.

I would like to ask the minister, who is so proud of this record of his government, what he is going to do for the workers and the communities of northern Ontario that are faced with these layoffs. What is he going to say? More important, what is he going to do today for the representatives of the Kimberly-Clark workers in Longlac, Nakina and Terrace Bay who are here to see him? What is he going to tell them that he has specifically done already to help these laid-off workers?

**Hon. Mr. O'Neil:** We are not proud if one job is lost in Ontario. We are very concerned about any jobs that are lost in the north. The member is forgetting who caused those losses. It was the United States government and the tariff that was put on. Some of the problems have been caused by the Tory government in Ottawa too. We will continue in our fight to have this tariff done away with.

**Mr. Pope:** Last week, the Minister of Natural Resource (Mr. Kerrio) tried to say that the tariff had nothing to do with the layoffs, that the layoffs were not being caused by the tariff. Now the Minister of Industry, Trade and Technology reverses that minister's position to the people of this province.

We know the tariffs are causing the layoffs. The minister can blame whomever he wants, but he has a higher obligation than that. He has an obligation to help the workers of northern Ontario. What specifically is he doing today to help those workers?

**Hon. Mr. O'Neil:** Again, we are not pleased with the situation that has been caused by the 15 per cent duty. We will continue to fight that duty and to reinstate those jobs in the north.

Interjections.

**Mr. Speaker:** I know the member for Nickel Belt would like to ask a question.

#### WILDERNESS PARK

**Mr. Laughren:** I would like to thank my colleagues for this opportunity. I have a question for the Minister of Natural Resources concerning

the Lady Evelyn-Smoothwater wilderness park, located near New Liskeard in the riding of Timiskaming. The minister will know that two lumber companies and his ministry support the linking of a road between Highway 560 and Highway 11. The linking of that road would provide easy access to that wilderness park and destroy the whole wilderness setting. Will the minister withdraw his ministry's support for completion of the Red Squirrel Road?

**Hon. Mr. Kerrio:** I can answer the question by saying no, we will not withdraw that undertaking, simply because we are doing something there that is unique. We are having an environmental assessment on an area that is quite important to the people of that area and to the government of Ontario.

I remind the honourable member that I have done something quite important as it relates to the parks of this great province by sharing with the federal Minister of the Environment, Tom McMillan, a new undertaking at the Bruce Peninsula, the first federal park in the province in many years. Therefore, we do have a commitment to parks.

Regarding the park he mentioned, where there is some impact, I was the person who instituted the environmental assessment. I think that is a fair way to examine the whole process.

**Mr. Laughren:** Creating a new park by killing an old one does not solve the problem and does not indicate any kind of commitment to parks in this province.

The Minister of Natural Resources should know that the International Union for the Conservation of Nature and Natural Resources, based in Switzerland, has listed this park as one of 23 endangered wilderness areas in the world.

**Mr. Fontaine:** Switzerland knows the north.

**Mr. Laughren:** The member for Cochrane North (Mr. Fontaine) does not know what he is talking about.

In that area, a coalition of cottagers, tourist operators and environmentalists has been trying to convince the minister that there is a lot more long-run economic benefit to tourism year after year after year than the benefits that accrue from one-time cutting of the trees that are there. Does the minister not understand how significant the long-run benefits are to tourism and how the completion of this road will destroy those benefits? Why will he not withdraw his support?

**Hon. Mr. Kerrio:** I appreciate what the honourable member is saying, but I must reiterate it is one of the few times in the province



that we have had an environmental assessment on the construction of a road. All interested parties will be heard. The assessment that will be made—it is costing some \$100,000 to participate in this environmental assessment, which I think is a real commitment to the people of Ontario—will be fairly dealt with.

#### PROTECTION FOR USED CAR BUYERS

**Mr. Callahan:** I have a number of people in my riding who have been purchasing used cars, and I was somewhat taken aback by the statement that was made by the president of the Automobile Protection Association recently in the press in his annual rating of new cars. At a press conference, he referred to the protection plan for used car buyers "promised" by the Minister of Consumer and Commercial Relations. In the light of that, I would like the minister to advise the House, myself and my constituents why he would say "promised." I understood it was under way.

**Hon. Mr. Kwinter:** The member is referring to a plan that we have, to bring in protection to people who buy used cars. Members will know that as of November 15, 1986, we initiated our Ontario motor vehicle arbitration plan dealing with new cars. I will be proceeding with a program for used cars; we are into discussions now.

#### ALCOHOL ON OPP BOAT

**Mr. Sterling:** I have a question for the Solicitor General. In 1978, I sat on the standing committee on procedural affairs, which was looking into the conduct of the then Solicitor General, George Kerr. The minister may remember Mr. Kerr called a crown attorney on behalf of a constituent who was on government assistance; a recent immigrant, new to the country, who had on several occasions threatened suicide to Mr. Kerr's constituency office.

The then Premier Davis and Mr. Kerr decided Mr. Kerr should resign because of the appearance of an interference of the chief law enforcement officer with our justice system. At that time, the Liberal members on the committee insisted Mr. Kerr resign.

Does the minister think it unreasonable for the members of the opposition to demand his resignation when he has apparently broken the law and is under police investigation for his conduct?

**Hon. Mr. Keyes:** I do not see the parallel whatsoever, and I do not consider it appropriate to resign. An investigation is already going on under the aegis of the Attorney General (Mr.

Scott), and I suggest the actions suggested by the honourable member are somewhat premature.

**Mr. Sterling:** About a month ago, hundreds of Queen's University students were arrested and/or fined for liquor violations after a school homecoming party. The police were quick to act in that instance. Is the minister's case really that much different, or is he above the law? If he is not, why does he not do the honourable thing and resign?

**Hon. Mr. Keyes:** I stood in this House before and said I was not resigning over this issue. If there is any change in that, it will have to come from someone much higher than myself. As regards the issue of the university students, if the statistics were checked a little more thoroughly to see how many were actually charged, it would be quite different from what the honourable member has led us to believe.

14:40

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**Mr. Allen:** I have a question of the Minister of Municipal Affairs. The minister will remember that a year ago this Legislature ordered Bill 39, which provides for the general election of the regional chairman of Hamilton-Wentworth, for committee of the whole House. He may imagine my surprise when my House leader informed me earlier this week that the government House leader was putting the blocks to the progress of this bill—

Interjections.

**Mr. Allen:** He was putting the boots to it, but also the blocks.

**Mr. Speaker:** Order. Is that like putting your car up on blocks? Question, please.

**Mr. Allen:** In the light of the intense interest in my region in the progress of this bill, which I am sure the minister has heard of, will he clarify for me at this point the status of this bill and his intentions with respect to it?

**Hon. Mr. Grandmaitre:** As I have told the honourable member on a number of occasions, I supported Bill 39 on its first and second readings and I intend to support the bill on its third reading, but at present I have some problems with the bill. The problems are technical, such as the method of the election of that regional chairman. There is another technical problem: If a vacancy is created, how will this person be replaced? I can cite a number of other examples. That is why the bill, with his co-operation, can be rewritten very shortly.



**Mr. Allen:** I have no problem with any amendments to the bill; I think the minister is aware of that. I know there is no date on it; that does need to be included. The fastest way to proceed and get this matter resolved is to do it through Bill 39 with the amendments that are proposed.

I will be happy to sit down with the minister's staff and work that out, but I do want to remind both him and the government House leader that a recent editorial in the *Hamilton Spectator* put the mood of our region very clearly: "Elect our chairman and quit stalling." How long do we have to wait? Until the civic holiday of 1987 or of 1988 before we see this bill?

Is there a timetable that the minister can suggest to us? Will we see this bill before Christmas, or before the end of this session at the latest?

**Hon. Mr. Grandmaitre:** I would like to see the bill introduced for third reading as soon as possible, and I will be talking to my House leader. In the meantime, I can promise the honourable member that my staff will be in touch with his office to resolve some of the technical problems I just mentioned.

#### DISCLOSURE OF ADOPTION INFORMATION

**Ms. Hart:** My question is to the Minister of Community and Social Services. I have been receiving some constituency calls in York East concerning the announcement the minister made, I believe in June, with respect to proposals on disclosure of information to adoptees. Has there been any response to the proposals made? What is the timetable, if the minister can give it to us, for the tabling of any legislation that is proposed?

**Hon. Mr. Sweeney:** The announcement of last June outlined the steps this government intends to take to expand the adoption disclosure provisions in the Child and Family Services Act, a section of the act that was not proclaimed because the perception of it was that it simply did not meet the need. It is our intent to bring forward that section before the end of this session. I hope we can bring it forward next week.

With respect to the particular concern the member expressed, we have clearly indicated in our proposal, and intend so to draft the legislation, that birth parents would be consulted before any identifying information with respect to them would be released to anyone.

#### ALCOHOL ON OPP BOAT

**Mr. Harris:** I have a question for the Solicitor General. I remind him that in 1975 a third-party

allegation of wrongdoing was made against the then Solicitor General, an allegation he denied at that time. It was subsequently proved false. I draw to his attention the former Solicitor General's letter of resignation, in which he stated:

"I am wholly conscious of the fact that there can be no suggestion of impropriety on my part that could in any way reflect upon the administration of justice and law enforcement. Under the circumstances, therefore I feel I have no alternative at this time but to submit my resignation."

We now have a situation where the Solicitor General as the top law enforcement officer of the crown has admitted breaking the law, compromising the Ontario Provincial Police, and is currently the subject of a police investigation. Why does he think he is not only above the law but also above the integrity of this Legislature by carrying on in his post?

**Hon. Mr. Keyes:** If the member will check the record, he will see that I did not make the admission of having broken the law. The admission was to the act I was challenged about. There is a difference. It is up to other persons to determine whether the law was actually broken.

**Mr. Harris:** In the example I read to the minister, the then Solicitor General did not admit to it either; in fact, he flatly denied it and was proved innocent.

On November 19, the Premier (Mr. Peterson) was quoted in the *Kingston Whig-Standard* as saying, "Keyes made a mistake that I regret very much." The Premier went on to say, "I do not think he thought through the consequences." I do not know whether the Solicitor General is aware of the consequences today.

In 1975, the member for Brant-Oxford-Norfolk (Mr. Nixon), then leader of his party, said—this is a quote I have given before—"I pledge integrity in government." By remaining as a Solicitor General in these circumstances, he is making a mockery of this Legislature and of the legal system of this province. I ask him again, out of respect for the law, for this Legislature and any kind of sense of honour, when is he going to resign?

**Hon. Mr. Keyes:** Any of the consequences or outcome should await the hearing that is being conducted by the Attorney General (Mr. Scott). I stand corrected—the investigation under the Attorney General's aegis. Once that has been completed and made known to the House, the circumstances and the outcome will be known.

## SUNDAY RACING

**Ms. Bryden:** My question is for the Premier. I now have received a negative answer from the Minister of Consumer and Commercial Relations (Mr. Kwinter) to the many petitions I have tabled asking for provincial intervention to protect the thousands of residents in the neighbourhood of the Greenwood Race Track from the loss of their traditional Sunday respite from racetrack activities that disrupt the neighbourhood.

In view of his avowed commitment to open government, does the Premier think a decision to allow Sunday racing in the midst of a large residential area should be made by a one-sided, government-appointed agency, the Ontario Racing Commission, which provides no opportunity for the residents gravely affected by its decision to present their views on its impact on their quality of life and to have their views considered when it is making such a decision?

**Hon. Mr. Peterson:** As one who spent a great deal of time in opposition, I know how disappointing it is when the rest of the world does not agree, with me in that case and with the member is this case. The minister has dealt with this issue on a number of occasions. The member has put her case forcefully and well in this House. There happens to be a difference of opinion on this matter. I say to my colleague that I support the minister's handling of the issue.

14:50

**Ms. Bryden:** I was asking the Premier whether he supports the principle of a government-appointed agency refusing to have public hearings on an issue that affects thousands of residents. This is the real issue. The Minister of Consumer and Commercial Relations (Mr. Kwinter) has not dealt with that either.

**Hon. Mr. Peterson:** The member may want to put this under environmental assessment or some other kind of consolidated joint hearings or something such as that. Frankly, if we followed the NDP view on everything, nothing would ever get done around here.

Occasionally, decisions have to be made by someone or other. A duly constituted body discussed that. If the member wants to bring in a private member's bill, we can have a thorough discussion in this House. She has alternatives. I am sorry the member does not support the decision the government and its agencies have made in this regard, but the minister has handled it as well as can be done in the current circumstances. What the member is asking is to bring the matter in here every time she disagrees

with a board, agency or commission ruling and ask me to unilaterally overturn it.

**Mr. Swart:** Ask for a hearing.

**Mr. Charlton:** The community wants a hearing.

**Hon. Mr. Peterson:** The members want a hearing on every single thing that happens that they disagree with. I understand the point of view perhaps, but if one takes it to its logical extension, my honourable friend will realize that no one can govern under those circumstances, even the NDP.

## HEALTH OF SENIOR CITIZENS

**Mr. Callahan:** Recently in my constituency office—

Interjections.

**Mr. Callahan:** The people of Brampton are interested in this question.

Recently in my constituency office—

**Mr. Speaker:** The question is to which minister?

**Mr. Callahan:** —I had a number of nurses who visited me and were interested in setting up a practice with emphasis on wellness and education on wellness. I am not sure whether this should go to the Minister of Health or to the Minister without Portfolio responsible for senior citizens' affairs. I noticed in his recent white paper report he referred in one of the specifics to the question of wellness. We have not heard anything about it since. I would like to find out what steps have been taken along those lines.

Interjections.

**Hon. Mr. Van Horne:** I am glad the members opposite are as interested as my colleague is in wellness.

One of the five initiatives outlined in A New Agenda, which is a policy paper for services for seniors, makes reference to that in general terms. Specifically, we are hoping the federal government will join with us in promoting various programs that will stress illness prevention and health promotion for seniors.

## DAY CARE

**Mr. Cousens:** I have a question for the Minister of Community and Social Services. It has to do with the Premier's comments when he was in Vancouver last week talking about changes in funding for child care, which was alluded to earlier, and the funding that could take place for grants to centres and income testing.

It turns out that people in the know in the Ministry of Community and Social Services, the

Ministry of Health and the Ministry of Intergovernmental Affairs, did not this week know anything about what the Premier was talking about. Can the minister tell the people of Ontario the details of this new policy, or is it something that is supposed only to be known 3,000 miles away when the Premier is out of town?

**Hon. Mr. Sweeney:** Let me make it clear to my honourable friend that the minister responsible for the Ontario women's directorate and the minister responsible for delivering day care services had many and long consultations with the Premier on exactly what he was going to say in Vancouver. There were no surprises whatsoever. The honourable member will be well aware, because I have responded to his and other questions in this House, that two of the initiatives we would like to move on are in the areas of direct grants and income testing. The member will be well aware that we have indicated that we want to do this, because the Premier (Mr. Peterson) has clearly said previously that we want to move day care in Ontario away from a welfare service to a public service. These are two of the initiatives that are going to enable us to do that.

The member will also be aware that the Attorney General (Mr. Scott) has said clearly with respect to pay equity that some day care centres will not be directly affected by the new legislation. One of the ways we want to assist day care workers in improving their wages is through the mechanism of direct grants.

The member will further be aware that we have clearly indicated that we want to be able to provide some assistance to the lower-middle income group, which cannot qualify for the present subsidies. By using income testing, we will be able to do that.

All of the initiatives that the Premier indicated that this province wants to move on, and requested support from the federal government for, are totally consistent with everything we have been saying for the last several months.

**Mr. Cousens:** They have not said much. The paper and the other things just have not happened.

Let us deal with one specific aspect of what the minister is talking about. Given the fact that he is talking about income testing as a new direction and given that current Canada assistance plan requirements have certain aspects to them, what will he do about children in commercial centres, where 40 per cent of the province's spaces are located?

**Hon. Mr. Sweeney:** Obviously, that is one of the concerns that has to be addressed and one of the concerns the Premier raised with the Prime Minister. As my friend has just indicated, approximately 45 per cent of the licensed supervised day care spaces in this province are in the commercial sector. Therefore, if we are going to make some kinds of moves, we have to be cognizant of those spaces.

There is no way we can create roughly 50,000 spaces overnight to replace the ones that are currently in the commercial sector. Therefore, being cognizant of that, we are trying to discover what the federal government's intentions are with respect to this area so that we can incorporate those intentions into our overall policy program.

### INSURANCE RATES

**Mr. Swart:** I have a question for the Minister of Consumer and Commercial Relations. It relates to the reply he gave my colleague the member for Algoma (Mr. Wildman) earlier this week when he talked about the inability of tavern owners to get liability insurance. May I remind him of what he said, according to Hansard:

"I disagree with the member when he says they will operate without any liability insurance. I am not aware of any tavern owner in Ontario who is operating without liability insurance."

After the minister's comment, John Guthrie, executive director of the Ontario Hotel and Motel Association, informed me that at least 1,000 taverns and bars in this province are operating without liability insurance.

**Mr. Speaker:** And the question is?

**Mr. Swart:** Fully one third of all the licensed establishments, with more than 50 per cent of sales of alcohol beverages, are going bare, without insurance.

I have a very simple question to the minister: How does he explain his colossal ignorance of what is taking place in this province with regard to insurance?

**Hon. Mr. Kwinter:** When I talked about insurance, I was making the point that, of the people who were calling my ministry and calling the Ontario liability insurers, there was not one who could not get insurance. What we had talked about was the two major problems regarding the insurance industry. One of them was availability and the other one was affordability.

We have addressed the availability problem, and I stand by my statement that there is not a policyholder who cannot get insurance. The affordability problem is still with us; we know



that and we are addressing it. That is why we are implementing many of the reforms that we are doing through Slater's recommendations and through some of the legislation we are bringing forward.

**Mr. Swart:** May I remind the minister that this is not what he said. He said he did not know of any tavern that was doing without it and he did not believe my colleague that they were operating without insurance.

15:00

**Mr. Speaker:** The supplementary is?

**Mr. Swart:** Yes. By way of supplementary, I would like to ask the minister whether he will contact Mr. Guthrie and report back to the House on the numbers operating without insurance? Does he not realize the risk at which this puts the people who are patronizing those establishments that do not have insurance? Does he not think that he has an obligation to see that affordable insurance is available, whether auto or liability, so that the people of this province can all have adequate coverage?

**Hon. Mr. Kwinter:** The member will know that this is exactly the problem we are addressing. We had to address the first problem of availability, when people were coming to us and saying, "We cannot get insurance at any price." We have now addressed that and we are now working on the problem of affordability.

### HEALTH FUNDING

**Mr. Wildman:** I have a question of the Minister of Health in regard to the Provincial Auditor's report. On pages 56 and 57 the auditor said:

"The method of allocation of funds to health agencies was not equitable and did not facilitate delivery of legislated public health programs ....notwithstanding the enrichment funding, the present procedure of limiting annual increases of individual health agencies to a fixed percentage of their prior year's approved budget has failed to adequately address the existing funding inequity among agencies."

In response to this, can the minister indicate what the Ministry of Health intends to do to help public health agencies in rural, northern and eastern Ontario to be able to catch up to their counterparts in urban and metropolitan Ontario, so that they will be able to meet their legislated responsibilities and provide the health programs taken for granted in urban Ontario?

**Hon. Mr. Elston:** I think the auditor's remarks are based on the differentials between

various areas in our province. Some of those have developed with respect to some decisions made by various boards at particular times in terms of what funds they allocated.

I agree with the honourable gentleman. I agree with the auditor that there are differentials in the manner in which money is spent, but there is some independence of determination at the local levels through those boards, because of the autonomous nature of those boards, which will reflect on the level of spending that is ultimately attained.

Bearing that in mind, there are programs. The member asked me what we were doing currently to help deal with that. We do have some augmentation of programs which will help to bring some of those expenditures more in line.

I would also like to advise the members that even though the question was put in the context of differentials, rural and northern, eastern and central Ontario as opposed to some of our urban centres, some differentials exist as well among urban-centred boards.

We have taken the opportunity of addressing the question of funding to the association of boards and we are working with it to see what may be accomplished. I can tell the gentleman and the public we have a large number of problems that affect unequal distribution of allocation of funds. We are working at that with the boards' association.

**Mr. Wildman:** In that long and rather convoluted answer, the minister admitted that even with the enrichment there is no way an agency in a rural part of the province which started off at a lower base, prior to the across-the-board percentage increases over the years, is ever going to catch up, unless this ministry provides additional funding.

Does the minister agree that in parts of northern Ontario it is difficult to attract professionals and provide programs and that those agencies should have the funds to be able to pay more in order to be able to compete in hiring at least? If they do not have as much money, not only can they not pay more, they cannot pay as much and are never going to be able to attract the professionals they need.

**Hon. Mr. Elston:** We take a look at the disparities in ability to attract professional assistance when programs are submitted to us. On occasion, we have looked at several areas of the province. In fact, I think the Kenora health unit has submitted some programs which we looked at to try to attract some professionals. That is just one example but it applies across the

province in general. We try to provide funding which may attract people to go to areas that are not well stocked with professionals.

In terms of supplying services in certain areas—speech pathology, physiotherapy and occupational therapy—there appears to be an increasing demand for services which is not always met, particularly with an increase in the stipend available through those health units. I know the honourable gentleman would agree with me on that point.

We are trying to find ways of helping to provide extra services where services are required, but there are some things we cannot do. We cannot make decisions at the local level in relation to the percentages, the contribution towards the 25 per cent or whatever percentage the local board must get from the local municipality. That also has an effect.

#### YOUNG OFFENDERS FACILITIES

**Mr. Baetz:** My question is to the Minister of Correctional Services. The ministry has been pursuing a program of establishing group homes for young offenders in residential neighbourhoods across the province and the minister is doing that without a formal set of guidelines for community consultation prior to setting up these homes.

Without this essential prior consultation, in neighbourhoods such as Golden Avenue and Poulin Avenue, in Ottawa West, 75 neighbours, who were surprised and angered by this sudden and arbitrary approach, have petitioned the minister. Will he tell us if and when he plans to establish, publish and follow guidelines for consultation with neighbourhoods such as those that have proved so successful in the ministries of Health, and Community and Social Services?

**Hon. Mr. Keyes:** The set of guidelines on group homes prepared by the previous government is currently followed to a large extent in establishing open custody facilities. The guidelines are used to make sure that the criterion of zoning is appropriate for the municipality and to get assurance from planning officers that it is appropriate before any such homes are established. This has worked extremely well in the opening of at least seven new homes in the past year alone.

**Mr. Baetz:** I can tell the minister he is not following the guidelines and he does not have published guidelines for his ministry, unlike Health, and Community and Social Services.

How many more group homes for young offenders is the minister planning to establish

throughout the province in residential neighbourhoods, and in what cities and towns? Is he prepared to promise us that he will not support any plans for such homes until his guidelines for community consultation are in place and that they will be rigorously adhered to by the sponsoring agencies?

**Hon. Mr. Keyes:** In accordance with the need for open custody facilities, we will continue to open them in areas and cities where the greatest need arises and where there is a desire on the part of sponsoring agencies to open them.

As I said earlier, we have opened a number of them in eastern Ontario this past year. We have opened one in Brockville and one in Cornwall, we are in the process of opening one in Ottawa and we are looking at other areas across the province where there is a need and as long as they are in accordance with the legal bylaws of the municipality. That is the major basis on which they will be opened. We hope they will have a great deal of support from the communities and from the liaison committees that are established as each home is opened.

#### GOVERNMENT INVENTORIES

**Mr. Philip:** I have a question of the acting Chairman of Management Board in relation to his role as the co-ordinator of inventory control for all the ministries. According to the Provincial Auditor, out of a sample of 1,300 recorded assets, only 230 assets could not be located. The Ministry of Natural Resources indicated that 3,500 assets costing approximately \$1.7 million could not be located in its 1985 inventory.

Can the minister inform the House where all those refrigerators, stoves and television sets have gone? Is it an inventory problem or a police problem? Has he investigated it?

15:10

**Hon. Mr. Nixon:** I really do not know. Management Board of Cabinet has sent a letter to all deputies indicating we require an up-to-date inventory and a careful assessment of what is missing and an indication of where it has gone and where it might be recovered. The Provincial Auditor's report made a clear indication that went out the day before the government changed. We are expecting a report from the deputies.

#### PETITIONS

##### EQUALITY RIGHTS LEGISLATION

**Mr. Davis:** I have a petition, which reads as follows:

"We, the undersigned, express our dissatisfaction with the government of Ontario for the introduction of the amendment to the Human Rights Code to include the phrase 'sexual orientation,' without consulting the people of Ontario. We ask the government to withdraw this amendment."

It is signed by 150 people representing the Commonwealth Avenue Baptist Church, the People's Church of Toronto and St. Peter's Anglican Church.

### SUNDAY RACING

**Ms. Bryden:** I have more petitions on the subject of Sunday racing.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Ontario Racing Commission in its hearing into the Ontario Jockey Club application for Sunday racing at Greenwood Race Track has ruled that it does not have the jurisdiction to hear the concerns of residents surrounding the aforesaid racetrack;

"And whereas many residents have shown their concern with the impact of Sunday racing at Greenwood Race Track on their neighbourhood and have indicated their wish to voice that concern;

"That the government amend the Racing Commission Act to ensure that the rights and concerns of residents in the neighbourhood of the racetrack and in the surrounding community be considered and protected by the Ontario Racing Commission in setting racing dates, times and schedules;

"Further, that the legislation provide that the long tradition of no Sunday racing at Greenwood Race Track be maintained."

I support this petition.

### REPORT

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr. D. R. Cooke from the standing committee on finance and economic affairs presented the committee's report with respect to plant closures and layoffs and the establishment of a select committee on plant closures and shutdowns and moved the adoption of its recommendations.

**Mr. D. R. Cooke:** This motion is the result of the concern of our committee about the recent plant closures that have occurred in some parts of this province, particularly northern Ontario, and

the announcement of the closure of the Goodyear Tire and Rubber Co.

We are concerned in our committee about the cause of these announcements. We are concerned about the steps that have been taken in the companies involved, at both the labour and the government level, to avoid the closures. We are concerned about the future steps that might be taken in this regard, particularly at Goodyear, and about the steps that might be taken to alleviate the burden on the workers.

Our committee has indicated in this report, in a motion that was passed this morning, that we are recommending that this House reappoint the select committee on plant closures, which existed until 1981. We are indicating to the House that if this is not done by December 15, our committee will undertake to look into these matters itself. However, as I am sure all members are aware, our plate is very full. It is for this reason, in order to try to get on with some of the other matters in which we are involved, that we are asking the House to reappoint the select committee on plant closures.

I will make an extremely controversial motion at this point and ask for the adjournment of the debate.

**Hon. Mr. Nixon:** On a point of order, Mr. Speaker: I wonder whether the House would permit me to make a very brief response to the report, since it is a matter of some urgency.

**Mr. Foulds:** If that is the case, I think spokesmen from each party should be allowed a comment as long as the Treasurer's comment.

**Mr. Speaker:** Is there unanimous agreement?

Agreed to.

**Hon. Mr. Nixon:** I was fortunate in obtaining a copy of the motion before it was presented to the Clerk, and I had an opportunity to consult with the chief government whip. It is her view, and I concur, that with the very heavy committee load already undertaken, it is not appropriate to appoint a special select committee for this purpose. Therefore, we feel that the committee that presented the report should not wait for December 15, but should proceed with the review envisaged in the committee report without delay.

**Mr. McFadden:** If I may briefly reply, the problem we have in the standing committee on finance and economic affairs is that there is not enough time allocated to the committee to fulfil all the various items that have been referred to it by this House.



The matter of plant closings is of urgent importance, as are a number of other matters, as we understand it, that were referred to this committee. They include the whole question of corporate concentration of ownership, referred to us by the Treasurer (Mr. Nixon) through his last budget; a review of Ontario's economic outlook; and dealing with Bill 116, the Loan and Trust Corporations Act. Further to that, we have estimates before the committee that we understand must be dealt with in the near future before this session ends.

We are not opposed to getting on with and reviewing the plant shutdown at Goodyear, as well as plant layoffs and shutdowns in northern Ontario. The one point that was not emphasized when the committee report was made a few moments ago by the member for Kitchener (Mr. D. S. Cooke) is that we are not just looking at Goodyear; we are also taking a look at layoffs across Ontario with specific emphasis on layoffs that have taken place recently in Thunder Bay, Terrace Bay and other communities in northern Ontario.

The motion passed by the committee was passed to bring some focus first to the issue, but also to bring some focus to the government on the fact that this committee is involved with vital work, and yet there has been totally inadequate time provided for this committee to get on with its job. If the government and the government House leader are serious about involving the public and this House in the budget process involved in looking at corporate concentration of ownership, in looking at plant layoffs and all the other matters referred to this committee, then the agenda of the committee and the time allocated to it should be adequate. Otherwise, it is making a farce of the whole idea of creating a committee of this nature.

While we support the idea of carrying on, and the standing committee has no objection to looking at the matter, I very strongly suggest that there has to be a review by the government House leaders and the whips on exactly how this will be done, because I say right now that unless this committee can be given adequate time, the people of Ontario and members of this House are being shortchanged.

**Mr. Foulds:** Very briefly, I urge the Treasurer and the government benches to please not reject automatically the idea of a select committee on plant closures and shutdowns. It is a matter of urgency, not merely with Goodyear, but also with the layoffs and structural things that are wrong with our economy in northern Ontario,

and I am afraid will be subsequently in southern Ontario, eastern Ontario and all over the province.

**15:20**

However, the best resolution would be for the House leaders to come to an amicable decision next Thursday morning about the fate of this committee's motion and report. If it is the decision of the government and others that the select committee on plant shutdowns and closures cannot be re-established, then, of course, the standing committee on finance and economic affairs will do its duty as outlined in this motion, that is, consider these matters. We will have to find the time and there will have to be rescheduling of the other important matters before the committee.

However, it is absolutely essential that if we consider the layoffs at Goodyear in Etobicoke to be very serious and very important, then think of how much more important the 250 layoffs already announced at Kimberly-Clark in Terrace Bay, just as an example, the 75 softwood layoffs in that community and the woods layoffs in Nakina, Geraldton and other communities are in comparison. They are far more devastating. It is as if half a million people in this community were automatically out of work. Those things this Legislature and some committee must look at, and they must look at them soon.

**Ms. E. J. Smith:** On this point, I would like to—

**Mr. Speaker:** On the same point? We had agreed that a representative from each party would speak, unless there is further agreement? No?

On motion by Mr. D. R. Cooke, the debate was adjourned.

## INTRODUCTION OF BILLS

### MEMBERS' STANDARDS OF OFFICE ACT

#### LOI DE 1986 SUR LES NORMES EXIGÉES DES MEMBRES DE L'ASSEMBLÉE DANS L'EXERCICE DE LEURS FONCTIONS

Hon. Mr. Scott moved first reading of Bill 160, An Act to provide for Greater Certainty in the Reconciliation of the Personal Interests of Members of the Assembly and the Executive Council with their Duties of Office.

L'hon. M. Scott propose la première lecture du projet de loi 160, Loi assurant une plus grande certitude quant au rapprochement des intérêts personnels des membres de l'Assemblée et du

Conseil des ministres avec les devoirs de leurs fonctions.

Motion agreed to.

La motion est adoptée.

#### COURTS OF JUSTICE AMENDMENT ACT

Hon. Mr. Scott moved first reading of Bill 161, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

**Hon. Mr. Scott:** The bill does two major things. First of all, it creates the office of senior judge for the unified family court in Hamilton as an aid to the efficient management of that court.

In the second place, it changes the role of the official guardian in custody and access cases to allow that office to play a more useful part in the more difficult cases where the court and the parties need the help of an impartial public figure whose mandate is to facilitate the best possible arrangements for the children.

At present, the official guardian must investigate and report to the court in every one of the thousands of divorce cases annually in which the spouses have children, regardless of whether there is any custody or access problem. Even if all arrangements have been agreed upon by the spouses to the satisfaction of everyone, this automatic procedure saps the limited resources of the official guardian's office to deal with cases in which intervention would be beneficial and important and overwhelms the office with the processing of routine cases involving warehouses of paper.

The amendment will permit the official guardian to become involved in any custody or access case on request by a court or any other person and will allow the official guardian to intervene in a case where any information comes to light that seems to merit an investigation.

The bill also contains a number of small housekeeping amendments to the Courts of Justice Act that have come to our attention in the past year and a half.

#### RENTAL ACCOMMODATION AGENTS ACT

Mr. Philip moved first reading of Bill 162, An Act to provide for the Registration of Rental Accommodation Agents.

Motion agreed to.

**Mr. Philip:** The bill provides for the registration of rental accommodation agents, who are defined as "persons who, among other things, provide information for a fee concerning the

location and availability of rental accommodation."

It also sets out maximum fees that may be charged by such agents for their service and provides for the refunding of any amounts paid in excess of the maximum fee.

I will be happy to answer any questions from the member for Brantford (Mr. Gillies) on this bill at the next sitting of the House.

#### PUBLIC OPINION POLLS

**Hon. Mr. Nixon:** Before the orders of the day, I want to table copies of three public opinion polls. I believe copies have been distributed to critics, but these will be tabled.

#### ANSWERS TO QUESTIONS IN ORDERS AND NOTICES AND RESPONSE TO PETITION

**Hon. Mr. Nixon:** I also have the answer to question 383, the interim answers to questions 410 and 457 to 487, inclusive, and the response to the petition presented to the House, sessional paper 186, standing in Orders and Notices [see Hansard for Monday, December 1].

#### ORDERS OF THE DAY

##### THIRD READINGS

The following bills were given third reading on motion:

Bill 1, An Act to amend the Succession Law Reform Act;

Bill 18, An Act to amend the Off-Road Vehicles Act;

Bill 48, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 58, An Act to amend the Time Act;

Bill 113, An Act to amend the Homemakers and Nurses Services Act;

Bill 66, An Act to amend the Business Corporations Act, 1982;

Bill 119, An Act to amend the Liquor Control Act;

Bill 120, An Act to amend the Liquor Licence Act;

Bill 121, An Act to amend the Land Titles Act;

Bill 122, An Act to amend the Registry Act.

**15:30**

#### CITY OF BRANTFORD ACT

Mr. McFadden moved, on behalf of Mr. Gillies, second reading of Bill Pr27, An Act respecting the City of Brantford.

Motion agreed to.

Third reading also agreed to on motion.

#### ITALO-CANADIAN CENTENNIAL CLUB ACT

Mr. Poirier moved, on behalf of Mr. Polsinelli, second reading of Bill Pr30, An Act to revive Italo-Canadian Centennial Club.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF WINDSOR (WINDSOR-DETROIT TUNNEL) ACT

Mr. Warner moved, on behalf of Mr. D. S. Cooke, second reading of Bill Pr34, An Act respecting the City of Windsor and the Windsor-Detroit Tunnel.

Motion agreed to.

Third reading also agreed to on motion.

#### TRACO INVESTMENTS LIMITED ACT

Mr. McFadden moved second reading of Bill Pr38, An Act to revive Traco Investments Limited.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

#### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT (continued)

Consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

On section 18:

**Mr. Gregory:** I want to put a few remarks on the record with regard to Bill 7, specifically section 18, subsections 1 to 5.

Before doing that, I want to take the opportunity to congratulate the member for Grey (Mr. McKessock)—he is absent, but I congratulate him anyway—and the member for Erie (Mr. Haggerty). They have shown a great deal of courage in their remarks and in taking the position they have. As my colleague says, they are independent thinkers.

It always takes courage, when one is a member of government, to take a position contrary to the stated position of the government caucus. One does not usually get to cabinet that way. Nevertheless, it has happened. As a matter of fact, sometimes it is a very good way of getting there.

The two members have shown, on a very emotional issue, a great deal of courage in speaking their minds and truly representing their constituents. I hope that more members on the government side will do likewise, state their constituents' views and come out in support of their constituents' positions, rather than following a rigid party line on an amendment that is clearly wrong.

Yesterday the government House leader in the few short remarks he made stated that the former Progressive Conservative government was very forthright and in the forefront in bringing forward bills for the protection of human rights in Ontario. They have been very active in doing this; otherwise, we would not have a bill here to amend. I do not think it has ever been the case that governments of any stripe have not taken proper actions to protect the rights of their citizens.

The intent was the same in this act, except that somehow along the way it got sidetracked by a rather frivolous amendment in the standing committee on administration of justice that was made almost on a last-minute basis. It was carried. As a matter of fact, some of our members, in a careless moment, voted for it. When the situation was analysed, there was some regret that this happened. No one is at fault, but it is something that did happen.

What surprises me is that the Attorney General (Mr. Scott) virtually adopted this amendment without any opposition to it at all. His members on that committee did not have to support it. Government members never have to support amendments by opposition committee members. They are not forced to do that. It strikes me it may be something he wanted done but was afraid at that time to bring in. I do not know.

It has brought in something that is totally inconsistent with the act. It was brought in with the thought that this would bring the Ontario statute in line with the Charter of Rights. This is totally wrong, and there is not one member in this House who can point out where it is bringing it in line. In fact, it is going further.

The Charter of Rights makes the distinction that discrimination shall not occur on the basis of sex. It does not take a genius to know they are talking about the difference between men and women. That was the intention. By adding sexual orientation, we are putting an entirely new connotation on this section, something that was not intended by the Attorney General when he drafted this bill. It probably was not intended for a purpose, because it was recognized by the



legislative draftsmen that this had no place in this act. They are going far beyond what is required. **15:40**

Something is bothering me about the bill, particularly about the remarks the Attorney General made to open the debate on this bill. I am looking at Hansard of November 25, 1986. He states: "This bill proposes to introduce the words 'sexual orientation' into that catalogue of groups. 'Sexual orientation' for the purpose of this debate involves any orientation of a sexual nature that is not inconsistent with the law; that is not prohibited by the law. It goes without saying that as a result of amendments to the Criminal Code at least a decade ago, not only is a homosexual or bisexual orientation not unlawful, but any act that results from it, unless specifically prohibited, is also not unlawful. None is prohibited, except the general list of offences which can be committed by either homosexuals or heterosexuals against children, women in certain cases or animals."

The thing that bothers me is that he says "for the purpose of this debate." In the amendments, nowhere does it give a definition of what is or is not included. In the act, under explanatory notes for section 18, which is difficult to find in this book, but I will come up with it in a moment, all it gives for section 18 is "self-explanatory."

If it is self-explanatory, I have to read from section 18 and what it says. It says "sexual orientation" and does not make any distinction about the various sexual orientations there can be, except in the words of the Attorney General when he says, "Those that are clearly against the law." I suppose we are talking about bestiality, paedophilia, I do not know.

**Mr. Leluk:** Necrophilia.

**Mr. Gregory:** All these things that are clearly against the law. However, they can only be used if a person has been convicted.

If someone applies to rent an apartment in a building and has a sexual orientation, let us say bestiality, for one. He has that orientation and, in fact, confesses that to the landlord and says, "I have that leaning, but I have never been convicted of it." The landlord has no grounds to refuse to rent him that apartment, none whatsoever. If the person made a complaint and the landlord said, "He told me this," it is simple; the person can say, "I told you no such thing." In other words, it has to be proved, and how does one prove that sort of thing? I do not know. One would have to be pretty fast.

There are no guarantees in there at all. It is not clearly spelled out in the act. The Attorney

General says: "Take my word for it. For purposes of this debate, this is what it will mean." If the Attorney General were here, I would tell him he is not going to be around here for ever. I will be surprised if he is around here very long at all, but he might not be around in, say, five or 10 years from now.

The interpretation of this act is going to have to be left up to some bureaucrat. Bureaucrats will interpret it, as they do, according to the letter of the act. They do not put any interpretation beyond that on it. It will simply mean then that the "for the purposes of this debate" argument will not be there anywhere. It is not in the bill. That civil servant could interpret that to mean sexual orientation of any kind. It is going to be very difficult to enforce, notwithstanding that, in my opinion, it is not fair.

There is another item I want to cover in statements the Attorney General made. On page 51 of Instant Hansard, he says, "This amendment deprives no person of an existing right." If this was not so ridiculous it would be funny. What about the right of the landlord? What about the right of the employer? That is surely a right. It is not only the homosexual or the lesbian who has rights; the employer or landlord also has some rights.

He says, "This amendment deprives no person of an existing right." He goes on: "There is no person anywhere in Ontario who loses a lawful right if this amendment is passed. It deprives nobody of the right to judge the competence of individuals objectively, whether it be for employment or housing. It does not alter the law of marriage. It does not downgrade the family as the central institution of our country. It does not alter or modify individual or societal values."

With great respect, I think the Attorney General has his eyes closed. I hear from many of my constituents—not only my constituents but also people from across Ontario—that there is a threat here. There is a threat to their individual or societal values. It is a severe threat.

I have some letters, which I am going to get into later, that will demonstrate the concerns of my constituents, and I reflect their concerns.

There is just one more item I wanted to touch on in Hansard. The Attorney General says, "Everybody understands that in order to make this system work, we must regard moral questions as personal matters, not governmental matters, because as soon as a moral question becomes a governmental matter, then we have a tyranny over which there is no control." Amen.

That is what they are trying to set up now—a tyranny; bedroom police. That is what they are doing over there. If this is not a moral question, I do not know what is. I do not understand what the government is doing in it.

It is not a matter of homosexual-bashing, not whatsoever. I have not done any of that and I do not intend to. I do not believe in harassment; nor do I believe in special rights for certain segments of our community. Going back to what I said earlier, that is exactly what this is. It is not talking about sex; it is talking about sexual orientation, and there is a big difference.

The Human Rights Code sets out the following categories:

“(1) Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.”

None of these categories is behavioural. For the first time, we are introducing into this act a behavioural pattern; that is what this is. If we are going to introduce behavioural patterns into this act and ban discrimination because of them, then where are we going to cover the alcoholics? Where are we going to cover the drug addicts? Where are we going to cover all those people who have different preferences and different behaviour patterns from the norm? That is what we are doing here. We are including sexual preference, sexual orientation, which is certainly a behavioural thing and no different in my mind from alcoholism.

While it is true my opinion may not be prevalent, I do regard homosexuality as an illness, an unfortunate thing. That happens to be my view. It is not shared by everybody, and I recognize that. That is why I certainly do not want to get into overcriticism of that particular group. I feel we are being unfairly asked to give special rights to one group, excluding all the other groups with behavioural patterns that are different from the norm. I very much resent being asked to do that.

**15:50**

We have all been associated with people whose behavioural patterns are not similar to our own. We have all been associated with alcoholics, maybe in the family, and if one group with a special behavioural pattern is going to get these special rights, we want to know why the others groups are not going to get them. I feel it has no place in the bill. This is really why I think this amendment is totally inconsistent with the bill.

I recommend to the Attorney General that he voluntarily withdraw it, if he can at this point. I guess he cannot, but I suppose he can vote against it, although he will not. This amendment was introduced in the standing committee on administration of justice, and it is not consistent with the act in any way.

The amendment is so controversial. It must be apparent to everyone in this room. What is wrong then in making a special case, if that is what is required, to get some additional input from some of the interested groups in our society? Surely we are not in such a headlong rush to do this that we do not care what the public says. I care what the public says, and I am reflecting what my public says. On a piece of legislation as important and controversial as this one, we should be making sure we hear what every segment of our society has to say on the matter. The party over there might get a tremendous surprise when it finds out.

I look at members in the Liberal Party from rural communities and I know the difficult time they are going to have with this. It is quite apparent how difficult it is going to be. They are between a rock and a hard place. They either do what their constituents want or— The great Minister of Agriculture and Food (Mr. Riddell) on television made the statement, “This is what my public wants and this is what I want.” All of a sudden, there is conversion on the road to Damascus. We should have some quotations from that minister—we will have some later—about his feelings on this subject in the past. It will be very interesting this afternoon. I am not going to use them, but another member of our party is going to. He has a much better way with words than I have. They are very interesting. Even that minister is going to find out from his constituents what they think of statements such as that.

The members are between a rock and a hard place. They are stuck with supporting a bill for caucus solidarity and, in doing that, turning off their constituents. They can either do that or they can go along with their constituents and make their leader very angry. We are fortunate over here. We do not have that problem because we have decided, and our leader totally agrees, that we will have a free vote. We can vote any way we want. We will vote according to our conscience. That is what we are going to do.

I feel sorry for the people over there who will not be able to vote according to their conscience. That is unfortunate on something as serious as this. When those members go back to their farms



and rural communities and when the government House leader goes back to South Dumfries or wherever it is and speaks to the people at Earl's Shell and tells them what he has done and what he intends to do, I am quite sure he will get a rude awakening. I feel sorry for him in that regard.

I feel very strongly that we as members are elected by the people not simply because we are going to reflect their views. It is impossible to do that, as we all know. You cannot have representation by consensus. I do not think you can do that. You cannot take a poll every time you decide to do something. I am convinced that people elect you to use common sense. They elect you because they feel you have that common sense and can use it. They do not expect you to do what they tell you every time because there will always be two or three opinions on every subject. All you can do is use the brains God gave you. On this issue, I wonder whether the members opposite are using the brains God gave them. I do not know whether they will find out from Him, but they will find out from their constituents, who of course come second in a politician's life.

I hope they have some time for sober reflection over the weekend and that they stay off Ontario Provincial Police boats and stay away from Liquor Control Board of Ontario warehouses. I understand there is a lot of loose booze floating around there and it is cheap.

I want to take a moment to demonstrate, as other members have done, some of the concerns of my constituents. I do not intend to go through a raft of letters, but I wish to put one or two on record. I will not mention names. I do not know whether anybody wants the names. It might be embarrassing to people if I did.

This letter is addressed to me.

"Dear Sir:

"I wish to strongly protest the recommendation of the government that homosexuals be given special legal protection, and the disaster that could ultimately follow such condoning of homosexual behaviour. No other group is thus protected under a law based on such immoral lifestyle."

This is a letter; it is not necessarily my opinion.

"My sincere desire is that our government will continue to subscribe to such laws and extension of rights that will continue to uphold Canada's moral integrity and the respect of all her people.

"I remain, yours truly."

This is from another gentleman who is also from my riding.

"I am writing to express my strong objection to the proposed legislation that would give special protection to homosexuals. The government claims its decision to give special legal protection to homosexuals was based on section 15 of the Charter of Rights. The charter states that everyone has the right not to be discriminated against on the basis of race, national or ethnic origin, sex, religion, age, etc. It refers to discrimination on the basis of sex, not sexual orientation."

That is an important difference that seems to have escaped the government party.

"Sexual orientation refers to an optional lifestyle, whereas sex refers to the inherent characteristics of being a male or a female."

I do not think anybody in this House would fail to know the difference there.

"Amending the human rights legislation would mean society is condoning homosexual activity. Homosexuals have the same civil rights every other Canadian has and they are protected by the Charter of Rights and by federal and provincial human rights legislation. No other group is protected under law based on behaviour.

"If such a law is passed, citizens would be punished for taking into account a homosexual's moral character in making some important decisions such as who will be accepted in their house, as a teacher for their child, as an associate in their business, etc.

"Homosexuality is a psychosexual disorder. Refusing to pass laws giving special privileges to a homosexual is not discrimination. Many homosexuals recruit the young. With new legislation, such seduction becomes permissible and acceptable.

"The homosexual is without doubt a proper subject for the exercise of compassion on a personal basis. Sympathy is not shown by pretending that homosexual activity is normal behaviour. True compassion comes to the homosexual from treating him as a responsible, moral being who can change or control his inclinations. This proposed legislation would only harm homosexuals themselves and society as a whole."

I do not think there is much point in going over many letters. It becomes rhetorical. However, I hope the Attorney General will take into consideration what he is going to do and what is going to happen if this amendment passes. He will turn normally honest, upright people into criminals—that is precisely what he will do—because rather than go along with this stupid law, they will break it. They will find some other reason not to



rent to the person whom this covers, thereby breaking the law. You cannot legislate morality, no matter what my friends in the new demagogue party down here think. You cannot legislate people into doing things that are beyond their normal characteristics. It is just impossible.

**16:00**

I can speak only of Christian homes, because they are the only ones I know, but if someone is raised in a Christian home, there is a natural abhorrence to this type of behaviour. All the screaming and legislation that one wants to bring up is not going to change this person's background. It is not bigotry in any way. It is the principles they have come to believe in; it is their definition of a family, and one cannot change that, much as one might want to. It is not intolerance in any way.

I find it shocking that when one has a view other than that of support for this type of legislation, if he opposes it, he becomes a dinosaur, and intolerant to boot. Boy, if an intolerant dinosaur is in the way, you had better get out of the way.

I find this rather disgusting, because intolerance is not all on one side. I would like to take a moment to read a letter I received from a pastor in the United Church. He wrote in answer to a letter I wrote stating my position on this bill. I would appreciate it if members would listen carefully, because I want them to understand that intolerance and hypocrisy are not always on one side:

"Dear Mr. Gregory:

"Regarding your letter of November 16 in support of continuing discrimination against lesbians and homosexual persons on the basis of the way in which they communicate affection between themselves. Homosexual 'behaviour' is communication, nothing else, albeit outside of the conventional 'family' about which you profess grave concern. I gather, therefore, that you would also favour discrimination against unmarried heterosexuals who also communicate affection through extramarital intercourse, for they also violate the traditional definition of a family.

"A further point regarding 'behaviour': speaking is also a form of 'communication behaviour,' yet, I doubt that even you would tolerate discrimination on the basis of language or inability to speak clearly.

"Regarding the definition of the family, I suggest that you read Matthew 12:46 to 50, in which Jesus Christ is quoted as saying: 'Who is my mother? Who are my brothers?... The person who does what my Father in heaven wants him to

do is my brother, my sister, my mother.' In other words, the mark of family is love, respect, trustworthiness, forgiveness. Such a definition permits childless widows and other lonely persons to be a part of a 'family.'"

Here we are getting the intolerance:

"I do share one of your possible concerns regarding the extension of family social benefits to homosexual partners. However, I have the same concern about extending social benefits to common law wives and husbands.

"Please rethink your position. Your position is discriminatory and inconsistent."

I would ask members to judge from that letter whose position is inconsistent and discriminatory.

I read that only to demonstrate that there is room for improving the approach to this bill on all sides. I do not think anybody wants to be intolerant; nobody wants to go around bashing people for whatever reason. But I have to say that this amendment, in the eyes of the people of Ontario, whom we are supposed to represent, is dead wrong. When we come to a vote on this, I will be very pleased to join members of my party and I hope a substantial number of members of the government party, in defeating this amendment.

**Ms. E. J. Smith:** I am pleased to speak to this today and address it in two separate ways. We have heard a great deal about the free vote versus the nonfree vote, and I would like to address that. Then I will speak briefly to the bill itself.

Like many other people here, I was in city politics before I came to provincial politics. I want to make clear what a different position this puts you in. As a member of city council, you run on your own record and abilities; you say what you have to say to people; they look at your record from past elections or past years of service and they decide on you as an individual. At least that is the way it was in London, where we had no party politics that were in any way discernible. In the smaller community, they pick you as an individual.

When I decided to run provincially, there was a distinct difference right from the beginning. In the first place, one of the most important things I had to do in conscience was to discover for myself what the Liberal policy was and identify for myself that this was truly where I was as a person. Having done this, I ran, and on that basis, I present myself to you as a Liberal.

People do not very often come to you and ask, "How do you stand on this?" More often, they ask you, "How does your party stand on such and

such an issue?" It is as a member of that party that you run. They send out questionnaires at election time asking, "Where does the party stand on these matters?" There is an importance in what we do that goes beyond ourselves and our own individual opinions, because we have sold ourselves to the public as a member of a group, in this case, the party.

We all know there are occasional issues that are handled differently, but by and large, this country recognizes that, provincially and federally, they vote for people in a party and they expect the leadership of that party to hold that group together and provide consistent government, in keeping with what that party ran on.

With that in mind, many people come out and work for you, walk the streets with you, put up money for you, people who never saw you before. They do it because of a consistent history of that party in which they believe. You are no longer just a single person as you were in city council. You are a member of a team and a part of a team whose very togetherness makes it possible to govern. We can look at countries such as France, if we want to see the chaos we can get into when we have too much individual thinking and not enough of an understandable platform with which people can identify.

I am happy that in our caucus we discussed this issue very freely. Everybody expressed his or her point of view. Then, as a caucus, we decided where we would stand and we decided at the caucus level that we would stand together. That was not a chance thing or a foisted thing, although the Premier (Mr. Peterson) has shown great leadership. It was with the caucus that he made his decision and it is as a caucus that we have decided to stand together.

Speaking to the bill itself, I get very tired of hearing the term "special rights." What in the name of heaven is anybody talking about? We stand here as a party and say we wish to guarantee human rights in jobs, in employment and in services.

If someone stood up at the back of the hall and asked, "Does that include blacks; are you giving those human rights to blacks?" we would say, "Of course." If they asked, "Are you giving those human rights to Jews?" we would say, "Of course." If they asked, "Are you giving human rights to women?" we would say, "Of course." When someone from the other party asks, "Are you giving those human rights to homosexuals?" we answer, "Of course."

They are not special rights. They are the same rights the bill gives to everybody else in this

province. I wish I could be guaranteed I would never hear this term "special rights" used again because there are no special rights; there are just human rights for human beings.

#### 16:10

Because I have some religious background—in fact, I once won a gold medal in apologetics in high school—it particularly bothers me to see these special rights being taken away in the name of religion or in the name of God. Joan Baez did a folk song called *With God on Our Side*, in which she sang very meaningfully of the many terrible things that have been done in our history in the name of God.

We had the Spanish Inquisition. They said, "Better to burn one man at the stake than to let him risk the souls of other human beings that they might burn in hell," and so they justified the Inquisition. We had the Crusades where Christians went to Christianize other people. I heard Arnold Toynbee about the Jewish situation in the Second World War. He said it was unprecedented in human history except for the Crusades. We had a time in slavery when people actually said that in religion, Negroes could be property because they did not have the same souls as whites.

All this has been done in the name of God and religion. If we took all the organizations that we have built in the name of religion and put them aside from our thinking; if we took only the words in Matthew, Mark, Luke and John and learned only from the words in those gospels as if Jesus Christ were here to vote on this Legislature, what would those words tell us about how he would vote?

To me, the Bible says all human beings are indeed a family and that a family does indeed strengthen itself by loving one another. That is what this legislation is about. I ask all members to consider it in that light.

**Mr. Hennessy:** On a point of order, Mr. Chairman: I would like to say to the honourable whip that she talks about party policy—

**Mr. Chairman:** We do not have comments and question period.

**Mr. Hennessy:** I think she is all wrong anyway.

**Mr. Chairman:** Thank you.

**Mrs. Marland:** I rise today to speak to this amendment. Obviously, Bill 7 has been well described by the previous speakers, but for the sake of the record I want to make absolutely certain that my comments are addressed to section 18 of Bill 7, which is the amendment to



the Human Rights Code of 1981, being chapter 53, that it be amended by inserting after "sex" in the fourth line "sexual orientation." There are further subsections 2, 3, 4 and 5 that all have the same addition of the words "sexual orientation" after "sex."

At the outset, I want to say that I was very disappointed yesterday, when my colleague the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) was speaking, to notice the humour and the reaction demonstrated by the member for Ottawa Centre (Ms. Gigantes), a member of the New Democratic Party—

**Mr. Wildman:** Was Villeneuve serious?

**Mrs. Marland:** —and by the member for London South (Ms. E. J. Smith), who is the whip for the Liberal government. I found it rather interesting that when the Attorney General presented his bill—

**Mr. Wildman:** It is a good example of—

**Mrs. Marland:** I would actually appreciate it if the member for Algoma (Mr. Wildman) would listen to my comments, even for a moment. There was rapt attention in this House for the Attorney General. I would suggest that the reason there was rapt attention was that we all have found this a difficult section of the bill to deal with.

With respect, given the fact that there was absolute silence when the Attorney General was speaking, I feel that the very least courtesy of the House would be to extend that same courtesy to every other member as we speak on a subject that is not easy for any one of us, just as it has not been easy for any one of us to reach a decision about which way we are going to vote on this bill.

Yesterday, when the member for Stormont, Dundas and Glengarry was speaking and laughter resulted from one of the comments in his speech—it was a serious comment; it was not a humorous comment—I felt the laughter was in poor taste. The only thing I suggest is that it was nervous laughter in reaction to the tension under which all of us have felt ourselves in dealing with this subject.

First of all, I want to deal with the process. It is rather interesting that we have this so-called tremendously open government. This government found it was perfectly satisfactory to spend in excess of 12 months touring the province and getting public input on Bill 30, the separate school funding bill. The same government found it was quite acceptable to set up a special committee to look into the liquor licensing laws of this province and to fund the expense of that committee's travels around this province.

I have to wonder where the priorities are. If the priorities are that it is more important to ask the public what they think about the liquor licence laws than to ask the public what they think about the Human Rights Code of this province, then that says a great deal about the Liberal government. If its priority is that liquor licensing is more important than human rights, then so be it for that government.

Fortunately, I do not serve in that government. Having just heard the reason that the whip of this government, the member for London South, gave for her support of the government's position on this bill, I guess that if I was ever proud to be a Progressive Conservative, I have never been more proud than at this moment, especially if that is the description of what being a Liberal means on November 26, 1986.

**Mr. Mancini:** It is the 27th.

**Mrs. Marland:** Thank you, the 27th. I have been asked why it is that only the PCs are opposed to this legislation, this section. I have been asked why it is that the Liberal Party seems to be supporting it. My simple answer has been, "You will have to ask the Liberals."

The answer for us as Progressive Conservatives is very clear. Thanks to the fairness and the tolerance of our leader, the member for St. Andrew-St. Patrick (Mr. Grossman), the members of our party are not being told what to do. We are being allowed to be progressive, in fact, and it is in our progressive-thinking party that we are being permitted a free vote, unlike the Liberal government, as members have just heard, which, I understand, is telling its cabinet members how they must vote, which is to support the bill of their Attorney General. Beyond the cabinet, I understand there is a very strong coaxing—I do not know what other word I can use to describe that—of their back-benchers also to support the bill.

#### 16:20

The true story will show when we have the vote itself, and when that vote takes place, the number of Liberal members who can, in all good conscience, vote in support of their legislation will be very interesting. We understand there is quite a split in the Liberal caucus on this issue, and I understand that very well. We all know it is not an easy subject to deal with.

Because of the very personal nature of our own morality and values, I would have thought that if the Liberal Party in Ontario wanted to be representative of the people who elect their members, it would give its members the right and



the opportunity to represent those people who elect them by having a free vote.

It was interesting a few moments ago to hear the member for London South compare this legislation to the history of experiences and tragedies that have been faced by sectors of our society throughout the world. She mentioned the blacks, the Jews and women. The presentation of the Attorney General included the Irish. The Treasurer (Mr. Nixon) yesterday included the Scots. What I find particularly interesting, not only as a woman, is that all those categories that have been referred to by those three speakers are all categories into which a person is born. They are not, I respectfully suggest, a category that any one person can choose.

On the subject of choice, in dealing with the subject of sexual orientation, I decided to be absolutely fair and read as much as I could on the subject. I did not want to come purely from my own inheritance of opinion on this subject. For that reason, I have read this document thoroughly. This document is called: Discrimination Against Lesbians and Gay Men, the Ontario Human Rights Omission, a Brief to the Members of the Ontario Legislature. The name at the bottom reads, the Coalition for Gay Rights in Ontario. The date on this document is April 1986.

In the preamble, it identifies the Coalition for Gay Rights in Ontario as being formed in 1975 to work towards legal equality for lesbians and gay men. It consists of 23 member organizations and several hundred individual members throughout the province. If I would comment at any point on this document, it was with some relief that I noted the membership is only several hundred out of a population of nine million.

On this first page there is a reference which says, "The majority of Canadians have come to see the issue as a matter of the private business of those concerned and no one else." On the next page it goes on to say: "This brief addresses some Ontario laws and government policies that will have to be revised in order to comply with the intent of section 15."

Concern is expressed about "the unwarranted police use of video surveillance equipment in public washrooms and the sense of suffering of those charged with sex offences as a result of such activity." Under a section entitled "Video Surveillance of Public Washrooms," it states: "Since 1983, 183 men have been charged for gay sex offences in public washrooms in Orillia, Welland, Oakville, Hamilton, Kitchener and St. Catharines. Several hundred are charged every

year in Toronto. The increasing use of video technology and other elaborate surveillance methods to make these arrests has raised a great deal of concern."

I have to say that if this group is saying that the majority of Canadians have come to see the issue as a matter of the private business of those concerned and no one else, I will have to have an explanation of why they are conducting their private business in public washrooms.

I read further from this brief. According to the Canadian Civil Liberties Association, which recently lobbied Ontario's Solicitor General: "The problem is one of police priority and disproportionate punishment. Everyone's privacy is violated by such policing tactics. Enforcement tactics depend as they must upon the nature of the threat to public interest. The police have rarely mounted a similar surveillance campaign, for example, to crack down on jaywalking or the illegal consumption of alcohol at professional sports events."

Again, with respect, I suggest that homosexual activity, in the pure physical sense, in a public washroom cannot be equated to jaywalking or illegal consumption of alcohol at professional sports events.

I also read in this document, pages and pages of examples of terrible crimes that have been committed against gay people. As I have the account of those horrible crimes, the horror of those crimes indeed registers with me, as does the horror of any crime of brutality and violence to any human being. It does not matter who they are. My reaction would be the same as everyone else's. It is pure horror and it is tremendous concern on my part for any of those crimes.

As these pages go on listing assaults on lesbians and gay men—and there are pages and pages in here of those kinds of assaults—I see nowhere listed any mention of the young Emanuel Jaques, a boy murdered by gay men. If we are going to look at an issue, we must look at all sides of that issue. I certainly have a grave concern for crimes of violence against any human being. One cannot list only the crimes against the gay community and not mention Emanuel Jaques, a 12-year-old shoeshine boy in Toronto, who, after being brutally mutilated and abused, finally succumbed to death by having his head held in a washbasin of water.

## 16:30

Having studied this brief, I thought I might have had a greater understanding of why the rights of these people need to be enshrined as a

separate category. Unfortunately, I did not obtain that from the brief.

I would now like to refer to Hansard of Tuesday, November 25, when the Attorney General presented the legislation. At the very beginning of his presentation—and I am happy to see the Attorney General is now back in the Legislature this afternoon—he said:

“This bill proposes to introduce the words ‘sexual orientation’ into that catalogue of groups. ‘Sexual orientation’ for the purpose of this debate involves any orientation of a sexual nature that is not inconsistent with the law; that is not prohibited by the law.”

That is a quotation of the Attorney General. Where he says “any orientation of a sexual nature,” I have to know what that means. This bill does not tell us all the different types of activities that are legal under the guise of sexual orientation. It does not tell me what “any orientation of a sexual nature” means. It simply says any that is not inconsistent with the law and not prohibited by the law. It may well be that anything that involves orientation of a sexual nature that is not against the law might still be totally unacceptable to me and to those people whom I am elected to represent.

Further in the Attorney General’s presentation to this House he says:

“I want to refer to the report made by the social Ontario conference of the Catholic bishops, because that conference reported precisely the same thing. In 1979, in a paper called *Witness to Justice*, that conference of bishops—they were not confronting any amendments; they were commenting on a factual situation—said this, in summary, “‘Homosexual men and women are being faced with discrimination in jobs, experience and housing.’”

I guess I have to look at that and ask, “Why is that?” The interesting thing is that if the public were to look at me when I go for a job, or apply for a house or for social assistance or for any public service, they do not know whether I am gay. There is not anyone in this Legislature today who knows whether I am gay. I am a wife, I am a mother and I am middle-aged, but I do not go around anywhere saying all of those things. I suppose perhaps the only thing that is obvious is my age, and when one is 52 years of age, that is probably a very easy thing to identify. It happens that I am heterosexual, but no one here knows that necessarily, just as no one here would know whether I am gay.

When I look at communities of people being discriminated against, I have greater concern for

another group of people who are discriminated against, especially in the subject of housing. That is the group of young mothers who reside in Interim Place, which is a shelter for battered wives and children in my riding. Those mothers phone and find that apartments are available. When they get there and admit they are single mothers with children on social assistance, suddenly there is no apartment for rent. I have gone myself and obtained accommodation for some of these mothers because I believe that is the worst kind of discrimination.

If I were gay and wanted to rent an apartment or to apply for a job, there would be nothing to stop me from doing these things unless I demonstrated my difference. That is the whole point of this debate in this Legislature. It is not the fact that people are gay or lesbian that impedes them from access to any of those areas; it is the fact that they choose to demonstrate that they are gay or lesbian. As with myself, one would not know whether I am a lesbian.

In his presentation to this House, the Attorney General went on to say, “This amendment deprives no person of an existing right.” I found that particularly interesting, because I have to ask how this amendment gives to this community of people something that does not now exist in law.

For that argument, I will refer to Webster’s dictionary. Under the word “race,” which is currently included in the Ontario Human Rights Code, it says: “A class or kind of people unified by community of interests, habits or characteristics.” The Funk and Wagnalls dictionary under the word “race” says: “Any group of people or any grouping of peoples having or assumed to have common characteristics, habits, appearance, etc.; any class of being having characteristics uniting them or differentiating them from others.” Since race is already listed as a reason why a person is not to be discriminated against in the Human Rights Code, I respectfully suggest to the Attorney General that that protection is already there.

The final reference I wish to make to the Attorney General’s speech to this Legislature comes from where he talks about legislating morality. He says: “...all kinds of newcomers from different countries who subscribe to different religions, who have different moral views and who sometimes have none. But we say that as long as they obey the law, their morality, the ethical code they select to govern the relations among them and with their god or their maker, is a personal matter for them.”



"Everybody understands that in order to make this system work, we must regard moral questions as personal matters, not governmental matters, because as soon as a moral question becomes a governmental matter, then we have tyranny over which there is no control."

#### 16:40

I have to ask the Attorney General how he perceives the Criminal Code. I suggest that today we do have legislation over morality and values, thank goodness. We have a Criminal Code that reflects the values of society. We have a Criminal Code that says it is an offence to kill, to assault, to commit any crime of violence. We then have the areas of forgery, extortion, fraud, theft, even impaired driving. I might also mention abortion. How interesting that it is illegal under the Criminal Code to kill, to steal, to drive impaired or to have an abortion. How can anyone say we are not today legislating values and morality?

I am grateful we have a Criminal Code as a federal statute that is protecting our values and morals. As a result, we in Canada live in a peaceful society, except where individuals choose to violate the Criminal Code.

The Attorney General, with his professional background, suggests we cannot legislate morals. I will state quite openly that I have no professional background in the area of specialty of our Attorney General. Yet how can he say that "as soon as a moral question becomes a governmental matter, then we have tyranny over which there is no control?" I suggest that without the Criminal Code, which does legislate our values and morality, we would have a complete society without control.

In summation, may I say quite simply I am totally opposed to this amendment. It is not necessary to protect the interests of anyone by this amendment, because those people are in a position to protect their own interests. Gay or lesbian people in our society in Ontario can protect their own interests. If they choose to remain gay or lesbian, they can protect their own interests by simply doing one thing: not demonstrating what they choose to be.

As I have said, there are many more people who are gay men or lesbian women than we would ever know, because they do not choose to tell the world; they do not choose to demonstrate that fact. While they make a choice in the majority to be gay or to be lesbian, they also choose to protect their own interests in the area this legislation addresses in terms of housing, jobs and social services. If they wish to protect

their interests, they simply do not demonstrate what they have chosen to be.

Personally, I do not believe that homosexual and lesbian relationships are normal and I do not believe that these kinds of relationships should gain recognition and status by being elevated by an amendment giving those relationships the same status as race, colour, religion, creed, ancestry and marital status. Therefore, I believe they should not be enshrined in the Human Rights Code of Ontario, especially since it was not found to be necessary to do it in the Canadian Charter of Rights.

On the subject of the Canadian Charter of Rights, I want briefly to refer to the fact that the brief from the Coalition for Gay Rights in Ontario addressed what happened with the Charter of Rights. I want to put this on the record because we are told the reason we are dealing with section 18 of Bill 7 is that the intent of the entire bill is to bring Ontario statutes in compliance with the federal charter of rights.

I read from this brief: "At this important point in Ontario's history, our government is bringing the province's statutes in line with the new federal Charter of Rights and Freedoms. Section 15, the equality rights section of the charter, states several grounds on which it is illegal to discriminate. It reads in part, 'Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.'"

The emphasis in that quotation is that the federal statute says "the benefit of the law without discrimination, in particular," and then lists those categories. The brief goes on to say, "With the inclusion of the phrase 'in particular,' section 15 is not limited to those specified grounds as in the Ontario Human Rights Code. While the charter was being drafted a number of groups and individuals expressed their concerns that discrimination on the ground of sexual orientation ought to be prohibited."

One such query, from the human rights committee of the Ottawa local of the United Auto Workers, received this response from the former federal Minister of Justice, Mark MacGuigan. He said, "The list of grounds of discrimination contained in section 15 is not exhaustive. Thus, while it is true that certain grounds of discrimination are expressly prohibited, this enumeration does not detract from the general prohibition found in the section. Therefore, express prohibi-



tion of the specific forms of discrimination on the basis of marital status, political affiliation and sexual orientation is not necessary." The section we are dealing with today is not necessary either.

Our society today has enough difficulty coping with all the adverse influences and decadence which constantly challenge our morals and our values. We must hold to what we believe in and defend those standards and goals for the future of our great province and country. I believe in the family as the cornerstone of our society. I believe in and cherish the normal, human relationships God created. I shall always be grateful for the opportunity to do whatever I can as a member of this Legislature to preserve and protect our society and the people and families who also cherish normal morals and values.

I thank you for this opportunity to take part in this critical debate in the history of Ontario.

### 16:50

**Mr. Sheppard:** I am pleased to have the opportunity to rise today to make a few comments on Bill 7. Before I begin, I would like to congratulate the member for Waterloo North (Mr. Epp) and the member for Grey on their comments. I am sure it was not easy for them to speak against their party's stand on this issue. I admire them both for having been honest and I am certain they will reap further respect among their constituents for their display of courage.

I was amazed that on the late news last night, the Premier said he tried to convince his caucus to vote for this bill. Later on, the Minister of Agriculture and Food said he was surprised that some of the church leaders—I will not repeat what he said because I do not know exactly what it was, but it was not very complimentary. However, if the members look at Hansard for 1981, they will see that his ideas and comments have changed.

I will be voting against this bill for various reasons. The number one reason is my constituents. Everyone I have heard from requests that I vote against this bill.

I have not had one phone call or letter from my constituents asking me to vote in favour of Bill 7, mainly because of section 18. I received one letter from Metropolitan Toronto, and this afternoon two letters—one from the member for Ottawa Centre and one from the member for Scarborough West (Mr. R. F. Johnston)—and that is the total number of letters I have received asking me to vote for Bill 7.

I will not mention any names, but these are some examples. I had a whole list of them, but after listening for the past two days to the letters

that were read in this House, I will read only two or three:

"I am violently opposed to a small but vocal segment of society receiving special legislation, Bill 7, to protect their choice of behaviour, which is a known vehicle of AIDS."

Here is another: "I would like to state my concern regarding the possibility of including any sexual orientation as a prohibited ground for discrimination under the Ontario Human Rights Code. While it is true that the proposed amendment does not necessarily constitute governmental approval of free sexual orientation, but it is intended to prevent discrimination, this does not constitute a good reason for the amendment, since it would inevitably infringe on the rights of many other people."

"Studies have proven that it is impossible for homosexuals, for example, not to influence and involve others, especially youth, in their lifestyle. The very nature of their abnormality overpowers them to influence others their way. All our children would be further endangered and the moral fibre of our society further eroded if this amendment passes. We strongly urge you to influence a stand for tradition and real morality with this issue."

Here is one I received today: "We do not think homosexuals should have any more rights. Bill 7 gives them special rights. They should not have that. They can live like anybody else and should not have any preference above other people. Bill 7 would give them more rights than anybody else and would force their lifestyle on other people. Their lifestyle is wrong and should not be forced on somebody else."

Here is another: "By this letter I wish to convey my total opposition to this amendment and would ask that you exert your influence in every possible way to remove it from the bill. The phrase 'sexual orientation' has many connotations, most of which are not included in the intention of those who have, even in good faith, introduced this amendment. Accepting this orientation as an innovation to the Human Rights Code could damage very seriously the fibre of our society."

"We should see this amendment in perspective as a response by our legislators to a vociferous but extremely small minority and realize"—

**The Deputy Chairman:** Order, please. I remind the people in the gallery not to make any signs.

**Mr. Sheppard:**—"that sanctioning this type of behaviour could accentuate the destruction of our families and social institutions, which still

form the groundwork for a highly prized social stability."

Here is another from a church in my riding. I will read part of it.

"With regard to the amendment to Bill 7, I seem to detect many negative implications. Allow me to list them, as I see them:

"1. The term 'sexual orientation' is very vague, undefined and rather open-ended. It seems to me that such an open term might open the door not only to the homosexual community but also to other fringe groups caught up in such deviant sexual behaviour as undue sexual interest in children or/and animals.

"2. The implication seems to be that groups providing services to families, children and others in need would lose the right to see their own standards of conduct for volunteers and employees. It would also force schools, day care centres, group homes and even churches to employ those whose code of conduct and sexual orientation is incompatible with the establishment, purpose and guidelines of the groups concerned.

"3. The legislation could also affect the traditional rights of religious groups to hire only those staff members whose lifestyle is faithful to the beliefs and practices of the religious community.

"4. This legislation would undermine the unique status of marriage and the family as the fundamental unit of our society.

"5. This legislation, or the amendment, could lead to the eventual legalization of homosexual and lesbian marriages and child adoption. Government and other agencies could then also be obligated to extend all social insurance and other benefits to homosexual partners.

"In summary, I feel the proposed amendment would restrict unduly the freedom and rights of many groups and individuals. The amendment is perceived by us as inappropriate interference with the moral choices and community standards of the people of our great province."

My second reason for voting against this bill is the political ramifications that could follow once this bill was passed. Third, my own personal views and upbringing prevent me from voting yes on this bill.

I am concerned about the quiet way in which the provincial government is planning to insert the term "sexual orientation" into the Ontario Human Rights Code. The government has provided no opportunity for public debate of this proposed amendment.

In 1981, when the Human Rights Code was amended, there was extensive lobbying at the time for this kind of amendment to the code. It was overwhelmingly rejected after more than 150 submissions were made in the public forum. Now, public submissions are not even being accepted.

I am also deeply concerned that the term "sexual orientation" is not defined in the legislation. The term "sexual orientation" not only includes homosexuals but also may include various forms of sexual degradation.

Correspondence I have received from church groups adamantly opposed to the bill argue that such an amendment could remove marriage and the family as the fundamental institution of our society. For example, I quote from a letter I have received from Pastor William Rowland in my riding:

"God loves all people, including homosexuals, but homosexuality is an abomination to God. Canada is a free country and we enjoy our basic freedoms, including the equality of the sexes, male and female. Special recognition to homosexuals' behaviour forces Canadians in Ontario to recognize a lifestyle that is against the laws of God and nature. It is also against our moral convictions and traditional values. This amendment, if passed into law, would have a devastating negative effect on the family unit which is the backbone of any democratic society."

**17:00**

The member for Ottawa Centre tried to assure us in her letter of October 8, 1986, to the member for Simcoe East (Mr. McLean) that the proposed amendment to include the term "sexual orientation" is not a threat to existing provincial legislation in regard to marriage and adoption. It may not be a threat right now, but I can visualize the breakdown of the family unit in the future when homosexual and lesbian marriages could be legalized. Furthermore, the right to either public or private adoption by two homosexuals surely could be brought forward for debate on the basis of discrimination. In my opinion, giving protected status to homosexuals under the Human Rights Code is exactly the same as saying that homosexuality is an acceptable form of behaviour.

A recent poll conducted by Environics Research indicated that the vast majority of those surveyed do not believe homosexuality is an acceptable form of behaviour. I do not, and I know that the majority of my constituents agree.

This amendment, if passed, would mean that in addition to the rights shared by everyone,

homosexuals would have special rights recognizing in law their lifestyles and behaviour. No other group's behaviour is protected under law.

Should we expect smokers and excessive drinkers to be added to the Human Rights Code because their behaviour may adversely affect their chances of employment? Should criminal behaviour also be covered? The words "sexual orientation" would create special privileges with respect to behaviour, behaviour that is not beneficial to the wellbeing of Ontario's population as a whole.

I am not opposed to equality of human rights but I do not believe equality is the issue here. Homosexuals and lesbians are not crying out for equality, but rather are looking for special status. They want to have their sexual lifestyle enshrined in human rights legislation so that it can be legitimized and promoted. I strongly believe there are values and morals worth fighting for, including the right of parents to protect their children from harmful influence, not to mention the continued health of the family unit.

Ordinary men and women look to law and government to provide a foundation of justice and morality. If we place sexual orientation on a list of protected classes that includes race and religion, we will be providing legitimacy to a society-disturbing cause. The law has historically recognized the family as the fundamental social structure in society.

Let us keep in mind that the family is characteristic in terms of heterosexual marriages. For example, the right of parents to scrutinize the moral character and sexual tendencies of those hired to teach their children would be lost. The parents of that child would not only lose their rights but also their moral duty to scrutinize the moral character and conduct of those into whose charge they commit their children.

It is true that the mounting demands and pressures of contemporary life have also put varying stresses on the family. Despite that, the shocks and upheavals of our culture have been absorbed and deflected by the family in day-to-day living. But after all, the family remains the essential building block of society, and its continuing resilience in the face of impossible economic and social tensions is a hallmark to its preservation.

The use of cohesive power to force ordinary people to go against their conscience or religious convictions by compelling them to abandon their moral parent duties is fundamentally contrary to the constitutional freedoms of conscience and religion.

There are further negative implications to the amendment beyond those I have already mentioned.

1. Social agencies that provide service and companionship to children or single parents, such as Big Brothers and Big Sisters, could lose their right to set their own standards for choosing volunteers and employees.

2. Schools, day care centres and group homes could be forced to employ those whose sexual orientation goes against the established purpose and guidelines of the said institutions.

3. The bill could affect the traditional right of religious groups to hire only those whose lifestyle is in tune with the beliefs and practices of the religious community.

4. Government and companies could be forced to extend all spousal insurance and other benefits to homosexual partners.

5. Home owners could lose all freedom in deciding whether to rent to homosexuals.

In conclusion, I urge every member of this House to vote against Bill 7.

**M. Pope:** C'est un plaisir de participer à ces débats.

As the member for Cochrane South and as a Scot born in Ayr, I rise to defend the Irish from another Scott, namely, the Attorney General of this province, and to take issue with the Treasurer and his references to the Scots yesterday.

I want to deal with this issue because there has been no issue by far in the nine and a half years I have been a member on which I have received more mail than this one. As an example, the community of Iroquois Falls in my riding has approximately 7,500 people. I have received more than 1,500 letters from the people of Iroquois Falls.

**Mr. Sheppard:** On a point of order, Mr. Chairman: I made a mistake. It should be the member for Erie (Mr. Haggerty).

**The Deputy Chairman:** I am glad you corrected it. We deduced that at the beginning. Your point is well made.

**Mr. Pope:** Where was I?

**The Deputy Chairman:** Iroquois Falls.

**Mr. Pope:** Yes. Thank you, Mr. Chairman.

As I said, I have received many letters from individual families in that community with respect to this legislation. By far, there has been more comment and letters on this issue than on any other in the nine and a half years I have been honoured to be the member for Cochrane South.

That says something. It says that this is an issue on which the people do not feel the



government is proceeding correctly. They feel the government is forcing this issue and bringing it in as a priority when the people are not ready to accept it.

I can understand the delegation versus representative theories of government as well as anyone else. I can understand the leadership role that members have to play from time to time on issues of great public import. However, this one is not even close. The people of my constituency are vigorously opposed to Bill 7 in its current form. There is not even going to be an opportunity to have public hearings and discuss this matter. The people are opposed to it and the government is trying to pass it in any event.

It is not as if it were 52 per cent or 48 per cent in support on one side or the other of the issue. There is massive rejection of this Liberal government's priority. I am not here to play to the galleries. I am not here to get news coverage. I am here to represent the views of my constituents and, on this issue, there is no contest. On this issue, the people of Cochrane South are opposed to this legislation. In spite of that—

Interjection.

**Mr. Pope:** Well, it may be why the member needs it. I know she thinks that the people of this province have no right to have their say on these issues and will proceed irrespective of their points of view. The people have a right to have their points of view represented in this Legislature and I intend to do it. I would like to read three kinds of letters that I have received.

**17:10**

"M. Alan Pope, député à la Législature ontarienne, Timmins, Ontario.

"Monsieur Pope,  
"Je suis au courant que le projet de loi (Bill 7) est actuellement à l'étude à la Législature ontarienne.

"Bien que je reconnaisse plusieurs aspects positifs contenus dans ce projet de loi, il y a dans la section 18 les numéros 1 jusqu'à 5, qui me paraissent inacceptables.

"Ce projet de loi, consistant à modifier le Code des droits de l'homme, mentionne les orientations sexuelles de la personne. L'Église catholique, dans sa tradition judéo-chrétienne, fait nettement une distinction entre les orientations sexuelles d'un être humain et son comportement sexuel.

"Ce projet de loi, dans sa formation actuelle, demeure très ambigu en se limitant à l'expression 'orientation sexuelle'. Je vous rappelle que le comportement homosexuel est incompatible

avec la morale chrétienne. Toute loi facilitant la pratique de l'homosexualité serait nuisible à la société, à toute institution qui s'y oppose et à l'éducation.

"En plus, si ce projet de loi, dans sa formation actuelle, devenait légal, le couple homosexuel obtiendrait les mêmes garanties légales que le couple et la famille. D'ailleurs, le service civil de Toronto parle déjà en ce sens.

"C'est pourquoi je vous demande, en tant que notre député, votre intervention et votre influence politique pour la sauvegarde de la morale et de la famille dans le processus décisionnel au parlement. Puisse le gouvernement retarder toute action hâtive avant qu'une consultation soit faite à ce sujet.

"Veuillez croire à mes sentiments les plus sincères."

C'est signé par une personne de Cochrane Sud.

Voici une autre lettre:

"Monsieur Pope,

"Dans le projet de loi Bill 7, l'expression 'orientation sexuelle' prête à plusieurs interprétations.

"Est-ce que ce serait un droit de l'homme de pratiquer l'homosexualité et que ce prétendu droit serait protégé par l'État? Notre culture, nos religions et nos traditions sont allergiques à ce principe. Et ne trouvez-vous pas que cela ouvrirait la porte à des plus graves problèmes dans notre société?

"Vous êtes reconnu pour avoir une grande influence dans les décisions gouvernementales et pour être le porte-parole de vos électeurs. Je vous prie donc d'user de votre pouvoir pour éclairer ce texte et ne pas laisser passer une loi qui serait contraire à la morale catholique.

"En attendant de lire ou d'entendre votre action au parlement ontarien, je vous prie de croire à mes sentiments les plus distingués."

Here is another series of documents, and I will read just one of the entire pile:

"Monsieur le Député, la Législature ontarienne étudie présentement le projet de loi 7. Ce projet omnibus présente des points très positifs et louables.

"Cependant, les numéros 1 à 5 de la section 18 m'inquiètent beaucoup. Ce projet de loi, consistant à modifier le Code des droits de l'homme, mentionne les orientations sexuelles de la personne. L'Église catholique, dans sa tradition judéo-chrétienne, fait nettement une distinction entre les orientations sexuelles d'un être humain et son comportement sexuel.

"En tant que citoyen de cette province, je m'oppose à une telle législation. L'Église catholique, comme tous les groupes de culture judéo-chrétienne, ne peut tolérer une telle situation. Tout être humain a droit à la protection selon le Code des droits de l'homme, y compris les homosexuels. Cependant, la libéralisation des activités homosexuelles serait une grave erreur pour notre société.

"C'est pourquoi, bien cher Monsieur le Député, je vous demande de faire les recherches nécessaires et de voir à faire clarifier et corriger les points 1 jusqu'à 5 de cette section 18 du projet de loi omnibus numéro 7. La loi ne peut pas rendre légale l'homosexualité active, avec toutes les conséquences que cela entraînerait."

These letters come from people in my constituency. They indicate very clearly their point of view. In the light of public opinion, not only in my riding but also across the province, I find it astonishing that the Premier and the Attorney General are making this a Liberal government priority.

When we have had 5,000 layoffs in northern Ontario and 15,000 jobs lost throughout the province this year, when our resource sector is in a virtual shambles and needs government attention, I find it astonishing that we are dealing with this bill, which is opposed by the vast majority of the people of my constituency and, I suspect, of Ontario.

I do not understand the priorities of this government. I do not understand why we are taking time to debate this contentious piece of legislation at this critical juncture for so many human beings and workers in resource communities across northern and eastern Ontario. We are taking time that is needed to help those people.

I would also like to comment on the process. Quite frankly, the process is another thing that I find astonishing. I understood the comments of the House leader and Treasurer yesterday. He thought it was a normal democratic process. With the greatest respect, I disagree.

This amendment was introduced near the end of the committee hearings on this matter. No briefs were presented by the public. It was debated not by the public but by the members of the committee. Members of the committee debated it, but the public did not have a chance to react to it. The committee did not hear any submissions. It moved immediately to a vote.

This government, which is so open, which ushered in a new era of open government, will not allow the people of this province to express

their opinions, other than through this debate in the Legislature that we are having right now.

As the previous speaker said, with respect to Bill 30 and many other, less significant aspects of government policy in this province, people had the opportunity to be heard, not only in committee of the Legislature but also in their home towns; we even heard about line-fence legislation. However, we will not hear from the public on this bill.

I think the member, who will go back to his constituency this weekend and, I hope, listen to the people, will be on his feet early next week putting forward his position in this assembly on behalf of his constituents. Perhaps during the weekend he can explain to his constituents why they are not going to be given the opportunity to comment on this bill; why the groups that are so concerned about it are not going to be allowed to come before a legislative committee; why this Legislature and a committee of this Legislature will not go out to listen to their points of view on this matter.

I do not think this is a democratic process at all.

**Mr. Shymko:** It is not of the people, for the people and by the people.

**The Deputy Chairman:** Order. Would members please refrain from making remarks?

**Mr. Pope:** This is not a democratic process. This government has made it a priority to get this legislation through. The Premier has called the members of his caucus to tell them to vote for this legislation. It is a priority of the Premier, the Attorney General and the Liberal Party of Ontario, and they are going to proceed, irrespective of the wishes of the members of the public, without giving people a chance to have their say.

That is the reality of the process that the Treasurer of this province and House leader of the Liberal Party was so proud of yesterday. That is the new definition of open government by the Liberal Party of Ontario.

We hear there is going to be a whip vote on behalf of the Liberal Party. Some members of the Liberal Party, many of whom have spoken on this bill and many others who will be speaking on this bill, know in their hearts that they should have adopted the position that the Liberal Party of Ontario adopted in 1981. That was a free vote on the matter of the inclusion of sexual orientation in the Human Rights Code.

That decision by the Liberal Party of Ontario in 1981 was proudly proclaimed in the legislative committee and in the Legislature by the represen-



tatives of that party. I refer members to Hansard in the fall of 1981 for those comments.

That is not happening now. Because this amendment is a personal priority of the Premier, this will be a whip vote, and the chance of dissent by individual members of the Liberal Party is very slim. It takes a great deal of courage for individual members to stand up and talk against a bill, and it will take even more courage to be here when the vote occurs and to vote against it.

**17:20**

That is what we are calling on the members of the Liberal Party to do: to ignore the priorities of the Premier. Other members in the Liberal caucus have talked about their personal beliefs in this matter. They have indicated their feelings. Now it is time for all members of the Liberal Party of Ontario to do so and, more important, to be here for the vote to make sure they stand up for their beliefs.

Our party has enough respect for its membership on this issue and on many other issues to allow the members the freedom to express their opinions and to allow them a free vote.

I want to address myself to the comments of the Attorney General on Tuesday, which could be described at best as sophistry and at worst as quasi-intellectual bafflelegab. Before I do that, I will deal with the comments of the Minister of Agriculture and Food on the CBC last night. He said that not only was he going to support this bill but also that he did not care what his constituents thought. If they disagreed with him, they were wrong. Not only that, but he also could not understand how anyone could oppose this legislation; it was beyond his comprehension.

The Minister of Agriculture and Food cannot understand how anyone could oppose this legislation. I want to take members back to a day of infamy in the history of this Legislature, on Tuesday, June 2, 1981:

"Mr. Riddell: First of all, I want to say, Mr. Ruby, I am one who is prepared to listen to all the debate and make a decision. But what response would you give to a parent who comes up to you and says: 'Where have my rights gone to? Do I no longer have a say as to who is going to teach my children? Do I no longer have a say as to who is going to lead the cub pack or the scout pack?'"

"What about the businessman—this is something I am confronted with all the time—who comes up to me and says: 'Where have my rights gone to? Do I no longer have the right to say as to whom I may hire that is going to do the best job for me?' You come on pretty strong in the direction you are going, but I doubt that you have

ever been in the political arena and I doubt that you have ever had to answer questions from these people who know what this bill is all about. They come up to our office and say: 'Do I no longer have any rights as a parent? Do I no longer have any rights as a businessman?' I would like to know what your response would be to that kind of thing."

That is the end of the quote from June 2, 1981, from the present Minister of Agriculture and Food, the same minister who today cannot understand how anyone can oppose the legislation.

Interjections.

**Mr. Pope:** There is more. Members will enjoy it.

Then there is June 24, 1981:

"Mr. Riddell: It must be a learned response, in which case such a learning process could take place in a classroom or in a Boy Scout camp. You can understand the concerns that some people have. I am wondering if my rights, say, are being taken away if we include sexual orientation in this bill. I am wondering if my rights would be taken away if I had no say who is going to lead my boy in a scout pack or who is going to teach my children in the classroom or that children's rights are being taken away. If it is a learning process, then the young people can quite conceivably be influenced, and I think you have to agree that it is the concern that some people have.

"I have no problem with sexual orientation when it comes to employment for adults or when it comes to getting a place to live and things like that. I guess my concern stems from the fact that I know these young people can be influenced. I happened to go through a public school system where we had a homosexual teacher in grade 7. I would just hate to indicate to the members in this room what went on and the kind of influence."

Two lines later, the Minister of Agriculture and Food, who cannot understand now how anyone could oppose this legislation, said in 1981:

"Mr. Riddell: Oh, it was just terrible. I guess this is why I am a little gun-shy about sexual orientation. Oh, I am sure there are. It is not the only example I could quote. Just recently in my own riding, we had a priest who had to leave the priesthood because of his association with boys. It was quite well covered up. I give them credit for it. I just hate to see this thing exposed too much. I guess it is another reason why I am a little gun-shy about including sexual orientation in this bill."



That was the current Minister of Agriculture and Food, the one who was on the CBC last night saying he did not understand how anyone could ever be opposed to this legislation. He continued:

"As far as apartments are concerned, I share an apartment with one of my colleagues. When we decided to move into an apartment, we went to the ManuLife. We told the person who took our completed application forms that we were moving in and there was never a question asked. I guess there is a counter-argument to yours.

"We are homo sapiens, which I guess is the highest order of the animal kingdom. As a farmer, I happen to know a little bit about animals. I do not know why you are cutting us off. Damn it all, we are just responding to some of the statements that were made. If you want to stifle debate, fine. I will quit now."

He went on to say:

"That is right. The point that I was trying to make and what I was just saying is this: I think I said one is natural and one is not natural. As I say, being with livestock so much of the time, I think I know what 'natural' means."

This is the current Minister of Agriculture and Food, who does not understand how anyone could ever oppose the bill today but who led the opposition of his party in this committee to the very same clause in 1981. That is not hypocrisy; that is just a difference of opinion between 1981 and 1986.

On September 22, 1981, Peter Maloney was in the legislative committee that day. The member for Huron-Middlesex, now the Minister of Agriculture and Food, said:

"As you well know, my concern has been about giving rights to homosexuals in their work when they are working with young people. I still maintain that you cannot be someone and you cannot live a life without somehow setting an example of the type of life that you live or exposing the kind of person that you are. I brought out a couple of examples the other day, being a former teacher. I know one who has very strong religious convictions and he could just not refrain from trying to instil that type of faith in his students until the principal stepped in and gave him a warning, 'You cannot do this or you are going to be out.'

"I have nothing against giving rights to the gay community for, say, employment, where they are working with mature people who have reached that stage where they can make their own decisions. A lot of people share the anxiety I have. When it comes to the homosexuals in the classroom, you are quite right when you said that

I am speaking on behalf of very concerned constituents."

It goes on and on. Without quoting, I refer the members to the words of the member for Huron-Middlesex on November 30, 1981, when this matter was debated in the Legislature. He reiterated again the positions he stood for in those days, positions that he now says he cannot understand.

**Some hon. members:** Read them.

**Mr. Pope:** Do members want me to read them? All right, I will read them.

The member for Sudbury East (Mr. Martel) mentioned that he recalls the minister's performance in that committee. He, too, could not understand the minister's comments last night on the CBC.

This is from page 4055 in Hansard, November 30, 1981:

"I personally do not believe that sexual orientation should be a basis of discrimination, provided fundamental human rights are not violated, and I think this is what many of the other people are saying. One of my concerns is the banning of discrimination based on sexual orientation in the hiring of teachers."

There was an interjection by an honourable member, "Huh." The member for Huron-Middlesex replied:

"You can say 'Huh' all you like. I am surprised that someone who has taught school would not stand up and have something to say about this matter too."

He goes on and on for pages with respect to his personal position on this matter. I assume it is a personal position that has been subverted by the influence of the Premier and of the government House Leader, who are whipping a vote in this matter.

**17:30**

What you hear on the CBC with respect to some cabinet ministers is not on all fours with what they supported as private members in this Legislature only five years ago.

**Mr. D. R. Cooke:** That is all he said.

**Mr. Pope:** If the member for Kitchener (Mr. D. R. Cooke) wants to defend that performance, he can be my guest. If he wants to defend 1981 versus 1985, he can be my guest. It is up to Liberal members to stand up and explain their position.

**Mr. D. R. Cooke:** We want to know where you stand.

**The Deputy Chairman:** Order. Will you please allow the member for Cochrane South to deliver his debate?

**Mr. Pope:** Thank you very much, Mr. Chairman. I appreciate your efforts on my behalf. Where was I?

I want to leave that point for now. If any member of the Liberal Party would like to stand up and defend the position the Minister of Agriculture and Food took in 1981 versus the one he is taking in 1986, I think he would appreciate the support. There is no doubt he will be asked to explain why he has changed his tune between 1981 and 1986. I presume he will have a satisfactory explanation when he joins in the debate on this bill and when he joins the debate in the communities of his riding. I know, as the Minister of Agriculture and Food, he is a loyal member of the government of the Premier, the same Premier who has prevailed upon him to change his position and support this legislation. I know the minister will have an explanation for the House.

As I was saying, I was rising to defend the Irish from the comments of a Scott; namely, the Attorney General (Mr. Scott). More important, I was rising as a Scot to defend the Scots from the comments of the Treasurer and House Leader of the Liberal Party.

I understood the point they were trying to make, that discrimination against a person because of his religion, the country he was born in, his colour or his language is somehow related to the amendment to this part of Bill 7, which amends the Human Rights Code.

With the greatest respect, those who drafted the Charter of Rights disagreed with my friend the Attorney General. They made a conscious decision to disagree and to have a different set of principles from that the Attorney General has chosen in the Canadian Charter of Rights.

I read the comments of the Attorney General. I have only Instant Hansard, starting at L-1535-1, but I understood the point he was trying to make. In fairness to the Attorney General, I think he was trying to say that the entire bill was an attempt to comply with the Canadian Charter of Rights. I know he did not mean to say this specific amendment to section 18 was called for by the Charter of Rights.

That might have been the impression from the statements made, but I know the Attorney General appreciates that the Charter of Rights, as was pointed out by the member for York Centre (Mr. Cousens), did not deal with sexual orientation deliberately. Sexual orientation was omitted by conscious decision of the people in charge at the time. The compliance aspects of the Attorney General's bill relates to the other provisions,

quite properly so, and it was proper for him to bring that to our attention. I think the record should be corrected, unless there is something I am not aware of upon which the Attorney General will enlighten us later.

The Attorney General is here and he is listening raptly to the whole debate. I do not think there is a mandate in this government to introduce this legislation. It was not part of the platform of the Liberal Party of Ontario in the last election. I do not think there is a mandate for us as members of the Legislative Assembly to pass this legislation in the face of widespread public opposition. I know the Attorney General laid out in a very skilful way the arguments and the rationale on this matter in his address to the Legislature on November 25, but I have to take issue with some of the selective quotations and some of the selective arguments he made.

I know he quoted Bruce McLeod. I know he quoted from the social conference of Catholic bishops, but he neglected to quote, to give some balance to the presentation, the Ontario Conference of Catholic Bishops, which issued a press release on this legislation some weeks ago. Irrespective of any report from any social conference of Catholic bishops, the Ontario Conference of Catholic Bishops chose to issue a press release concerning its position on these amendments to the media of this province and to every member of this Legislature.

Quite clearly—there is no doubt about this—the Catholic bishops of Ontario are opposed to this legislation, clearly opposed. If we are going to lay out the supporters of this legislation, I think we should also lay out the opponents.

It is true that the United Church of Canada wrote to the Premier about sexual orientation in the Ontario Human Rights Code on July 8, 1986, and because it takes a special position on behalf of the church, I think it should be read into the record, as well as the comments of Bruce McLeod.

"Comments in the public media in the last few weeks have suggested that religious organizations are opposed to including sexual orientation in the code. The United Church is not one of these organizations, nor do we believe that the religious conviction of some groups should be used to tolerate injustice against a whole group of people within our population.

"The elected representatives of the United Church most recently addressed this issue as follows: 'that members of the Church individually and corporately are responsible for becoming more aware of discrimination against homo-



sexual persons, taking action to ensure they enjoy their full human rights in society, working to end all forms of discrimination against them.'

"That was the 30th general council of the United Church of Canada on August 1984. The United Church spoke out on this issue in 1976 when the matter came before the Ontario Human Rights Commission. We addressed the matter again before the federal government's equality rights commission in 1985." It attached copies of its remarks for the Premier to look at.

It concludes by saying: "We are greatly encouraged at the promise of the Prime Minister that the Canadian Human Rights Act will be revised to include sexual orientation as prohibited ground for discrimination, and we urge your government to ensure that the province of Ontario take similar action.

"Signed, Bonnie M. Green, staff officer, human rights and international affairs."

That is the position offered on behalf of the United Church of Canada.

However, then we have—and it should also be read into the record—the position of the Pentecostal Assemblies of Canada. They wrote to every member of this Legislative Assembly as follows:

"The Pentecostal Assemblies of Canada, at its general conference held in Edmonton, from August 21 to 26, 1986, unanimously adopted a resolution to notify the government of Ontario that we oppose the amendments to Bill 7 which would add sexual orientation as a prohibited ground of discrimination in the Ontario Human Rights Code.

"It is our understanding that Bill 7, with the offensive amendment included, is to be considered by the committee of the whole in this session of the Legislative Assembly.

"It is our opinion that the process by which the amendment was included in Bill 7 did not give ample opportunity for the public to make its views known on this matter, which the federal government has admitted addresses some of the most difficult moral and religious concerns of Canadians.

"This controversial amendment, introduced by Evelyn Gigantes, MPP, in the standing committee on administration of justice, was never made known to the public and was only added to Bill 7 on May 6, 1986, the very day it was moved and carried.

"A summary of our concerns: We believe the proposed legislation would unreasonably restrict the rights of churches, religious and private schools, para-church groups, religious institutions and individuals in the following ways:

"1. The term 'sexual orientation' is undefined and open-ended. Its inclusion would endorse and extend legal support to homosexual behaviour and it would open the door to other sexual behaviour such as preference for children and animals.

17:40

"2. Agencies such as those that provide services and companionship to children would lose their right to set their own standards of conduct.

"3. Schools, day care centres or group homes could be forced to employ those whose sexual preference is not in keeping with the standards of their institutions.

"4. Religious groups would be forced to hire staff members whose lifestyle is contrary to the beliefs and practices of those communities.

"5. The unique status of marriage and the family as a fundamental unit in our society could be removed and there would be calls for further legislation to legalize homosexual and lesbian marriages and the adoption of children.

"6. Governments and other agencies along with insurance companies would be obliged to extend all spousal insurance and other benefits to homosexual partners. This could cause economic havoc.

"7. Private home owners could lose all freedom in deciding whether or not to rent to homosexuals or lesbians.

"In light of these concerns, we consider the amendment to be an inappropriate interference with our moral choices and community standards."

I will not read the entire letter, but it goes on for two more pages indicating the position of the Pentecostal Assemblies of Canada with respect to this matter. It was signed by the Rev. Hudson T. Hillsden, co-ordinator, social concerns and public relations, the Pentecostal Assemblies of Canada.

There were other notes, including the press release I previously indicated from the Ontario Conference of Catholic Bishops. They wrote a letter to the Premier on June 9, 1986 as follows:

"It has come to my attention that the justice committee of the Legislature is recommending that sexual orientation be included in the Ontario Human Rights Code.

"The Catholic Church can in no way agree to such an inclusion that would recognize in law homosexual activity as perfectly normal and acceptable. No matter how good its intention, the justice committee is supporting a change in law that is definitely at odds with the constant



Judaeo-Christian moral teaching and runs counter to the common good.

"A few years ago this same issue was discussed by a legislative committee. At that time, the executive committee of the Ontario Conference of Catholic Bishops submitted a short statement that clearly defines the church's position on homosexuality as a moral and social issue. I shall include it here, or I would ask you to read it, Mr. Premier, so that you may understand our vigorous opposition as a church to the inclusion of the term 'sexual orientation' in the proposed omnibus bill. We reiterate that the moral issue is also linked with the common good and the rights of the majority.

"As you know, this same issue of homosexual rights and protections is being studied by the federal government. The bishops of Canada, through their president, Bishop Bernard Hubert of St. Jean, Quebec, have expressed in the enclosed letter both the gravity of the issue and the need to defer any pertinent legislation to the future.

"I cannot be more emphatic, Mr. Premier, in asking you to forestall at this time such a proposal by the justice committee. I am raising the issue on behalf of all the bishops of Ontario. We trust that you will be able to respond to our pressing concerns.

"Yours sincerely, John A. O'Mara, Bishop of Thunder Bay, president, Ontario Conference of Catholic Bishops."

That should be read into the record as well as the Attorney-General's reference to the social conference of Catholic bishops.

There are many other letters we have all received as members of this assembly. Yesterday the House leader for the Ontario Liberal Party unfortunately referred to the voices of intolerance. I do not think those who oppose the bill out of legitimate concerns are necessarily the voices of intolerance. I do not think the Ontario Conference of Catholic Bishops is a voice of intolerance.

**Mr. McClellan:** Is that how you adjudicate human rights, by the weight of your mail?

**Mr. Pope:** I do not think the Pentecostal Assemblies of Canada are a voice of intolerance in our society. I do not think Bruce McLeod is a voice of intolerance in this province. I do not think the Big Brothers of Canada is the voice of intolerance. These are very important agencies in our province. They perform a vital function in our province.

**Mr. McClellan:** You should be ashamed of yourself.

**Mr. Pope:** I know the member for Bellwoods thinks these people are all wrong and should not be heard and that they do not have a right to have their say in this matter. With the greatest of respect, I disagree. It will be interesting to see whether the member for Port Arthur (Mr. Foulds) will get up and address the comments—

**Mr. McClellan:** On a point of order, Mr. Chairman: The member for Cochrane South (Mr. Pope), who has chosen to take the balance of the afternoon to speak in the debate—as is his right, of course—should be aware, first, that members of this party were under the impression that the Conservative Party had agreed to a foreshortened debate in order to have a vote this afternoon. That turned out not to be—

**Mr. Gregory:** No.

**Mr. McClellan:** That information came from the office of the leader of the Conservative Party, but it turned out to be false. I can assure the member that there will be speakers from the New Democratic Party on Monday.

However, my point of order is this: The member has put inaccurate words in my mouth, and I do not appreciate that. What I said was that human rights should not be judged by the weight of one's mail, sir.

**Mr. Foulds:** Democracy happens to involve the protection of minorities, not just the rule of the majority.

**Mr. Harris:** Very briefly on the point, I do not want to debate the merits of the debate here. All members, I am sure, like members of our party, will be given an opportunity to speak and to state their views.

The member indicated on the point that our party had served notice that we would be shortening our debate and that we would be voting today. Our party, to the best of my knowledge, has not indicated that this would be the case. As the House leader for the party, through whom those decisions are relayed, I could get into the conversation our leader had, if members wished. It has not been represented fairly by the NDP House leader as stated. We are eager to carry on with all the legislative items, including this one, and that is the position of our party.

**Mr. Rae:** On a point of order, Mr. Chairman: The comments made by my House leader are entirely correct, to my personal knowledge. I want to make it very clear that we refrained from participating actively in the debate this afternoon for one reason and one reason alone, and that is that we were led to believe that if we were to do

so, we would have a vote this evening. I was to wind up for the party.

It is quite clear that this is not what has happened, and it is out of that sense of frustration that my House leader spoke. What he has said is, to my knowledge as a member of this party and as leader of our party, utterly and entirely true.

**The Deputy Chairman:** Is this a point of order?

**Mr. Harris:** Certainly.

**The Deputy Chairman:** It was not a point of order before. Please continue.

**Mr. Harris:** It is on the same point. The member for York South (Mr. Rae) has attributed comments to the leader of my party that are not correct. Everybody has asked when the vote would take place. All parties are interested in that and, of course, the media are very interested in that. We are now at Thursday, when a lot of people want to go home if there is not going to be a vote.

**Mr. Rae:** You are running very close to the line.

**Mr. Harris:** You have had your opportunity, and I am going to correct the record.

Many people have been very interested in when this vote would take place. My leader, I believe, has indicated, as I have indicated, that there are a number of speakers. I indicated that I thought one of the possibilities was that had there not been as many speakers as all parties had, it might have been possible to vote today. I stand behind that; my leader stands behind that. It might very well have been possible to vote today. It appears that it is not possible, but that was what had been stated by my leader and by me to all members of the Legislature, to the other House leaders and to the media.

17:50

**Mr. Pope:** We received other mail, as members, from a variety of groups, and I am not going to read into the record their submissions to us.

**Mr. R. F. Johnston:** Come on, read it all.

**Mr. Pope:** All right, I will. It is rather interesting; the New Democrats have a new concept of democracy. If you disagree with them, you should not have the right to be heard. That is what they are saying.

Interjections.

**The Deputy Chairman:** Order.

**Mr. Pope:** The Coalition for Family Values addressed correspondence to all members of the assembly. They indicated their concerns with

respect to the inclusion of sexual orientation in the Ontario Human Rights Code. I think Rev. Hudson T. Hillsden, chairman, personally signed this document.

**Mr. R. F. Johnston:** Alan is back in the race.

**Mr. McClellan:** The leadership race.

**Mr. Pope:** I have to say to the member for Scarborough West that we have something in common.

**Mr. R. F. Johnston:** I will not be around; I have enough sense to get out.

**The Deputy Chairman:** I ask the member for Cochrane South to speak through the chair.

**Mr. Pope:** On June 30, 1986, this document was sent to every member of the Legislature. The coalition requested: "Take steps to hold back action on the sexual orientation amendment in Bill 7...that all members seriously consider all aspects and implications of this issue...it simply cannot be passed into law without adequate explanation and safeguards."

Along with a news release from the Evangelical Fellowship of Canada, this was received by all members of the assembly in early July. Some members of the assembly do not want to pay any attention to those points of view, but I think it is our obligation as members to do so.

We also had many items of correspondence that others have referred to from many individuals in our society who have expressed their concern in great volume over this matter. As I said at the outset, I have received more mail on this matter than on any other matter in the nine and a half years I have been the member for Cochrane South.

Individuals from all parts of Ontario, and from outside Ontario, have written to all the members of the Legislature. Letters were received from as far away as Surrey, British Columbia, containing some comments that I will not read into the record with respect to this piece of legislation and attitudes towards it.

**Mr. Breaugh:** I think you should read those into the record.

**Mr. Pope:** The member for Oshawa will have the opportunity to do that. He is perfectly at liberty to do so.

These issues clearly raise the concerns of a variety of groups in our society. These are groups that have a great influence on our daily lives. These are institutions we all look up to; therefore, these are institutions whose opinion we have to regard when making these kinds of decisions. I know others do not want to regard those

opinions, but I think we should do so in making our decision on this matter.

There has also been some correspondence, which was referred to earlier, that the member for Ottawa Centre was good enough to forward to us this afternoon from the Church of the Holy Trinity and the Parkdale Community Legal Services, which indicates they support the amendments to the Human Rights Code and urge that they be adopted.

The point I am trying to make is that many organizations, groups and individuals have perceived this to be an important enough issue to take the time to write to us. I think the process in which we are now engaged is an unfortunate one. There should be public consultation and hearings on this matter so that we can hear the opinions of the people of the province. That process would be of some assistance to the members of this assembly when they decide how to vote on this very important matter.

I want to deal with a couple of points. First, I could not understand the Attorney General's presumption that if someone is convicted of a criminal offence that somehow relates to how we deal with employment and housing under the Human Rights Code. I do not know whether the Attorney General is saying we are allowed to discriminate against someone with a criminal conviction irrespective of what that is and that is all right under the code, but if so, I know the John Howard Society would be interested to hear that point of view.

I do not appreciate the distinction he tried to draw in not allowing discrimination with respect to sexual orientation but allowing discrimination with respect to housing and employment on the basis of a conviction of some criminal offence. I hope the Attorney General can address that conundrum when he replies to the points we have raised in this debate.

The Attorney General tried to indicate that this legislation would have no impact on the morals of our society. I appreciate his point of view on this matter with the greatest of respect, but the vast majority of people do not agree with his point of view on this matter.

They look to this Legislature and to the laws of this province to set some standards, some values for our society. They anticipate we will consider those values and the bases of our society when we make decisions with respect to legislation that comes before us and that we somehow have a higher duty to reflect those values and those concerns when we debate matters that come before us, and that all matters, all pieces of law,

all government decisions, in some way or another can have an impact or an influence on the values of our society. Therefore, we should be cognizant of that concern when we are making decisions on matters such as this piece of legislation.

I know the Attorney General's point on defining the context of sexual preference or sexual orientation. I appreciate the distinction he makes between criminal behaviour and noncriminal behaviour with respect to the issue of sexual orientation. I do not understand its application to the nondiscrimination provisions of the Ontario Human Rights Code, particularly with respect to housing and employment and, quite frankly, I do not think that relationship can be drawn.

I do not think one can make a decision on whether one will allow discrimination or nondiscrimination on employment and housing on the basis of conviction for a sexual offence, whatever that may be. I do not know what the Attorney General meant when he engaged in those two pages of rational exercise that he went through two days ago.

I also do not agree with the Attorney General in his definition of the effects of these amendments in law, on other statutes and in governing conduct in our society. I disagree with him that there is no relationship whatsoever. There will be an impact and an effect, and for all of these reasons and many more which I would like to get into when we next sit, I think there is a problem with this legislation. I have additional points, but I have been urged by the government House leader to adjourn the debate.

On motion by Hon. Mr. Nixon, the committee of the whole House reported progress.

#### ROYAL ASSENT

**Mr. Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in his chambers.

**Clerk of the House:** The following are the titles of the bills to which His Honour has assented:

Bill 1, An Act to amend the Succession Law Reform Act;

Bill 18, An Act to amend the Off-Road Vehicles Act, 1983;

Bill 48, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 58, An Act to amend the Time Act;

Bill 66, An Act to amend the Business Corporations Act, 1982;



Bill 113, An Act to amend the Homemakers and Nurses Services Act;

Bill 119, An Act to amend the Liquor Control Act;

Bill 120, An Act to amend the Liquor Licence Act;

Bill 121, An Act to amend the Land Titles Act;

Bill 122, An Act to amend the Registry Act;

Bill Pr27, An Act respecting the City of Brantford;

Bill Pr30, An Act to revive Italo-Canadian Centennial Club;

Bill Pr34, An Act respecting the City of Windsor and the Windsor-Detroit Tunnel; and

Bill Pr38, An Act to revive Traco Investments Limited.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Nixon:** I would like to indicate the business of the House for the coming week.

On Monday, December 1, we will continue with the debate on section 18 of Bill 7 and continue that debate on successive days, if necessary, until it is completed.

On Tuesday, December 2, we will deal with legislation from the following list as time permits: second readings of Bill 14, An Act to amend the Oleomargarine Act; Bill 127, An Act

to revise the Surveyors Act; Bill 90, An Act to amend the Metropolitan Toronto Police Force Complaints Act; Bill 139, An Act to implement the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law; Bill 112, An Act respecting the Enforcement of Statutes related to the Environment; Bill 158, An Act to continue The Canadian Insurance Exchange; Bill 108, An Act to amend the Insurance Act, and Bill 9, An Act to establish the Ministry of Skills Development. That will be followed by committee of the whole House on Bill 26, Retail Sales Tax Act.

On Wednesday, December 3, we will have the debate on third reading of Bill 51, An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes, followed by, if time permits, legislation not completed on Tuesday.

On Thursday, December 4, in the morning, we will have private members' business standing in the name of the member for St. George (Ms. Fish) and the member for Welland-Thorold (Mr. Swart), and in the afternoon, three committee debates concerning conflict of interest, order numbers 52, 54 and 55, with no vote to be held.

The House adjourned at 6 p.m.

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No. 72

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 33rd Parliament**  
Monday, December 1, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 1, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### SEWAGE TREATMENT PLANTS

**Mr. Stevenson:** The winter 1986 issue of *Seasons*, a magazine published by the Federation of Ontario Naturalists, had a good summary article about Lake Simcoe, entitled *Troubled Waters*. The article discusses problems associated with phosphorus loadings of the lake, associated weed and algae growth and decomposition, and the resultant oxygen depletion in the water.

The previous government allocated in excess of \$100 million to deal with phosphorus loadings from municipalities and municipal sewage treatment plants. Last week we laid the last pipe on the \$57-million project in Keswick. Upgrading of the Barrie and Orillia plants has been completed; the York-Durham sewage trunk was extended to pick up the effluents from Newmarket and Aurora, and approvals were given for Schomberg and Innisfil. Many other projects were also funded relating to erosion control and fish stocking in the lake.

The Lake Simcoe environmental management strategy, tabled in October 1985, stated the priorities of action for future projects. It is now time for this government to put its money where its mouth is and allocate a further \$100 million to save Lake Simcoe.

### TRANSITION HOMES

**Ms. Gigantes:** The government's review of funding for transition houses and family resource centres was released in May of this year. Brian Law, the review officer, underlined the need for guaranteed, adequate and stable funding for family violence centres. He said in his report:

"The introduction of various initiatives and, in fact, the initial announcement of a provincial response have been greatly influenced by the political climate of the province and timing of announcements by various politicians. Often the information regarding initiatives received by program staff in the field responsible for

implementation was little more than the announcement itself."

The pattern is holding. Transition and interval houses still do not have a core funding program. Of the \$5.4 million in family violence initiatives trumpeted by the government in September, some moneys were to go to child care in transition and interval houses.

That funding is supposedly available from today, December 1, but the houses still do not know for sure whether they will get money for child care or what they might constructively do with money for public education, which will only increase demand for their overburdened services. They were not consulted on the new initiatives and they do not yet know what those initiatives mean.

Where is the \$5.4 million going and when do the service providers get a chance to say what they need to help women and children who are victims of violence?

### NATIONAL SAFE DRIVING WEEK

**Mr. Ward:** The week of December 1 to December 8 is National Safe Driving Week in Ontario. I am sure all the members of the House will want to join me in commending to drivers on Ontario's highways the need to observe the rules of safety during the course of this week and throughout the rest of the year. To this end, Young Drivers of Canada is sponsoring a Lights On week to bring greater awareness to drivers and to ensure that this is not only a happy holiday season but also a safe one.

### GOVERNMENT'S PERFORMANCE

**Mr. Harris:** The members of Her Majesty's loyal opposition take this opportunity to welcome everyone to David Peterson's Ontario. It is a place where booze and boats do not mix unless the drinks are being mixed by the Solicitor General (Mr. Keyes). Abortion is illegal until it comes time to prosecute. Sunday shopping is banned but it is open for business as usual. Conflict-of-interest rules are being established for all members when half the cabinet has already broken them. The Attorney General (Mr. Scott) is above drinking laws at Queen's Park. QCs still exist a year after they were abolished.

David Peterson's Ontario replaces rent controls with rent increases, the Minister of Northern Development and Mines with a southern Ontario actor and Darlington with Darlington. There is government mismanagement, bungling and indecisiveness on a number of issues. Nobody knows whether abortion clinics are legal. Nobody knows whether extra billing or billing for uninsured items is legal. Nobody knows whether you can drink while boating. Nobody knows whether you can drink on the front lawn of Queen's Park. Now nobody knows whether you can open a store on Sunday, work on Sunday or shop on Sunday.

This Liberal government is rudderless and spineless on a number of issues. Chaos is developing in the law-and-order system. The problem is at the top. Doctors do not extra bill; they administer. Laid-off northerners whine and complain when the Premier says they have no problems at all. The Minister of Industry, Trade and Technology (Mr. O'Neil)—

**Mr. Speaker:** The member's time has expired.

**Mr. Harris:** —wishes merry Christmas to all. Welcome to David Peterson's Ontario.

#### FLOODING

**Mr. Hayes:** The International Joint Commission has just issued a letter to Joe Clark, Secretary of State for External Affairs, urging government action in the face of continuing high water levels. The letter makes it clear that despite statements by the Minister of Natural Resources (Mr. Kerrio) to the contrary, it is possible to affect water levels in the Great Lakes. According to the International Joint Commission, there is an urgent need for greater protection for residents along the shoreline.

Now that the International Joint Commission has publicly acknowledged that the lake levels can be controlled and that there is an urgent need for action, it is time the Minister of Natural Resources stopped playing games with this issue and started protecting the lives and property of the people of this province. It is time for the Minister of Natural Resources to acknowledge the fact that the levels of the Great Lakes can be controlled. He should take his head out of the sand, take action on this very serious issue and stop playing political games with it.

#### ARTS FUNDING

**Mrs. Marland:** If Bill 26 is allowed to pass without amendment, the Minister of Revenue (Mr. Nixon), in his unwillingness to listen to the

concerns of Ontario's not-for-profit theatres, will have destroyed opportunities for Canadian artists to perform here at home. The minister will have eliminated hundreds of hours of directly related employment for stagehands and local musicians and he will have eliminated countless hours of work in industry-related sectors such as the restaurant business, not to mention some \$1.6 million that, because of this revenue grab, will not be available to the theatres to reinvest in quality entertainment for the residents of this province.

Therefore, I again ask the minister to look beyond the shortsighted intent and maintain the 10 per cent sales tax exemption currently extended to Ontario's not-for-profit theatres.

#### REPORT, STANDING COMMITTEE ON THE OMBUDSMAN

**Mr. Philip:** On November 13, in answer to a question I raised, the Minister of Consumer and Commercial Relations (Mr. Kwinter) stated that he could not give me a specific answer concerning the problems of the Rembrandt home owners and said that the Ombudsman had a different set of demands from the standing committee on the Ombudsman with regard to Rembrandt Homes.

That is not the case. I assure the House that the report of the standing committee on the Ombudsman and the Ombudsman's report are identical. We have asked for some justice for the Rembrandt home owners.

The minister also stated there were different numbers, and that they ranged from 26 particular cases to 175 cases. This is not the case. He also stated he was having his staff look into finding out specifically who would qualify. The report is fairly clear. The report says the home owners' association would provide the list.

I suggest the Minister of Consumer and Commercial Relations do the honourable thing, namely, go that route and refund the money owing to those home owners.

#### GREY CUP GAME

**Mr. G. I. Miller:** It is important today that we recognize the Hamilton Tiger-Cats on the great win they came up with yesterday. We do not want to underestimate Hamilton, because they sure started the game out well and they had everything under control all day. As a matter of fact, I was able to pick up a couple of dollars on the side. We want to congratulate them.

**Mr. Andrewes:** I would like to join with the member for Haldimand-Norfolk in his congratulations to the Hamilton Tiger-Cats. However, the



gamesmanship will really begin now as the new chairman of the board of governors of the Canadian Football League joins Happy Harold around that table for discussions.

13:41

## STATEMENTS BY THE MINISTRY AND RESPONSES

### DISCLOSURE OF ADOPTION INFORMATION

**Hon. Mr. Sweeney:** Later today, I shall present the Adoption Disclosure Statute Law Amendment Act, 1986, to this House for first reading. This bill amends the relevant sections of the Child and Family Services Act, 1984, and certain related legislation. Its introduction today is the result of several years of consultation.

The extensive consultations were required because of the sensitive and controversial issues involved. It was necessary to strike the best possible balance between the right of the individual to privacy and the right of adoptees to know about their past. The wishes of birth parents who expressed a need to know what became of their child were considered as well.

Early in 1985, my ministry commissioned Dr. Ralph Garber to review the whole matter of adoption disclosure. Dr. Garber's comprehensive and thoughtful report was completed and released late in 1985. It advocated easier access to both nonidentifying and identifying information for all those affected. Dr. Garber believes the facts surrounding an individual's adoption belong to that person regardless of where and how they are safeguarded.

While my ministry, like Dr. Garber, favours a more open approach to disclosure, we also recognize the right to privacy of all those involved in the adoption process. For example, we were not prepared to accept his recommendation that adult adoptees be given identifying information without the consent of the parties to be disclosed. As well, the government concluded that disclosure of identifying information about adoptees or birth relatives should be restricted until the adopted child becomes an adult. In that way, the integrity and confidentiality of the adoptive family and the best interests of the adopted child are protected while the child is growing up.

Similarly, birth parents are protected against disclosure or contact until the adoptee is an adult and old enough to understand the implications of disclosure for all those who may be affected by it. Until the adoptee is 18 years of age, nonidentifying

information is given to adoptive parents to share at their discretion.

Many of Dr. Garber's recommendations were incorporated into the new policy, and careful consideration was given to the comments and concerns expressed by adoption agencies and others involved in the adoption process.

In June 1986, I announced the government's response to the Garber report and released Ontario's new adoption disclosure policy. The bill I shall present today is the legislative embodiment of that policy, the Adoption Disclosure Statute Law Amendment Act, 1986.

These are some of its major features:

Adult adopted persons and their birth relatives will be able to obtain identifying information about each other by mutual consent through the adoption disclosure register. Consent by adoptive parents will no longer be required. Nonidentifying information, that is, general background data on birth parents and information about the health and development of the adoptee, will be released on request to all adult parties to an adoption. Adult birth brothers, sisters and grandparents of adoptees will also have access to this information. Counselling will be made available when nonidentifying information is disclosed and counselling is mandatory before identifying information is disclosed.

The position of registrar of adoption information is created to oversee disclosure of information and provision of related services. The registrar may disclose identifying or nonidentifying information to any person if someone's health, safety or welfare requires it.

On the request of an adult adopted person, the registrar will conduct a confidential and discreet search for specific birth relatives. Information may be withheld if its disclosure may result in serious physical or emotional harm to any person. Persons who are refused information may appeal to the Child and Family Services Review Board. The bill also provides for the disclosure of information relating to out-of-province adoptions.

When the Child and Family Services Act was passed in 1984, adoption agencies and the general public strongly objected to the restrictions governing disclosure of adoption information. More than two years now have passed of study and consultation, and the revisions have produced the well-balanced amendments I shall place before you today. These amendments are designed to provide just and humane solutions to problems that have clouded adoption information for many years. They are designed to reconcile as



harmoniously as possible the wishes and needs of parents, adoptive parents, children and relatives involved in the adoption process.

I would like to take this opportunity to thank the members of my staff sitting in the gallery who have worked so long and so hard on this.

**Mr. Baetz:** In response to the statement of the Minister of Community and Social Services, I note he pointed out that it was necessary to strike the best possible balance between the right of the individual to privacy and the right of adoptees to know about their past. To the extent that this legislation will achieve this objective, he will have the support of our party.

I would like to raise one question here. On page 6 of his statement, the minister notes, "The registrar may disclose identifying or nonidentifying information to any person if someone's health, safety or welfare requires it." My only question is, and it is something we will be asking later on, who determines and who interprets whether somebody's health or wellbeing requires it?

**Mr. McClellan:** I want to respond to the adoption disclosure statement of the minister. It needs to be said that the statement was necessary because of the simple-minded and dangerous initiatives of Mr. Drea. When Minister of Community and Social Services, in a fit of pique he outlawed the disclosure of all information by child welfare agencies to adoptive parents. The first thing this bill does is to make sure that nonidentifying medical and genetic information, which is so necessary to be provided, can once again be provided to adoptive parents.

Second, I say that for those with historical memories—and the historical memory around here is about three days—it has been eight years, almost to the day, since we first debated amendments to the Child Welfare Act which would have brought in measures to provide for an active registry, with two-party consent and the disclosure of identifying information to adult adoptees within a counselling environment, without the veto of the adoptive parents. I remind the minister that he himself was instrumental in voting down that amendment in 1978. Here we are, in 1986, with a proposal to do exactly what we could have done eight long years ago. Such is progress in the Ontario Legislature.

I still feel very strongly that the rational solution is to have an open system along the lines of the British system. Adults should be entitled as a matter of right, and really as a matter of course, to information about their own birth identity,

their own roots, about the question of who they are, without the interference of the state.

#### **PRESCRIPTION DRUGS LEGISLATION**

**Hon. Mr. Elston:** I am pleased to advise the House that the Ontario Drug Benefit Act and the Prescription Drug Cost Regulation Act have been proclaimed and come into force today. This legislation provides greater consumer protection and ensures realistic drug prices in the marketplace.

The Prescription Drug Cost Regulation Act will ensure that all consumers get the information they need to make informed and economical drug purchases. When filling prescriptions where more than one manufacturer's product is available, the pharmacist now must inform the customer that a lower-cost drug is available. In addition, pharmacies are required to indicate both the cost of the drug and the cost of the dispensing fee on the customer's receipt. Pharmacies must also post the dispensing fee for interchangeable drugs in the store. They may charge less than the amount posted, but they may not charge more.

The act also clearly establishes the government's authority to designate which prescription drugs are legally interchangeable. This will ensure that the highest quality drugs are available to Ontario's consumers by requiring manufacturers to meet the high standards incorporated in the legislation. The ministry will continue to rely upon the expert advice of the Drug Quality and Therapeutics Committee for information on which benefits should be included in the formulary and which drugs should be included as legally interchangeable.

The Ontario Drug Benefit Act will, for the first time, give government the clear legislative authority to manage the Ontario drug benefit program efficiently. The ODB is an essential component of the province's health care system. It provides prescription drugs at no charge to senior citizens, those on provincial assistance programs, those in extended care facilities and those in the home care program.

#### **13:50**

Until now, the Ontario Drug Benefit Formulary, which lists the drugs provided to those on the plan and the prices the government pays pharmacies for prescriptions filled under the plan, has been based on the quotes received from drug manufacturers.

Some manufacturers realized that by quoting artificially high prices for the formulary—prices higher than pharmacies were actually paying for

drugs—there was an incentive for pharmacies to purchase their products. As a result, government reimbursements for many drugs dispensed under ODB were higher than the cost of many drugs to pharmacies. This practice was known as price spreading.

Because the formulary prices also serve as a guideline for the drug sales in the cash market, its artificially high prices on some drugs also meant excess costs for cash customers as well. The new legislation will help solve both problems.

Under the Ontario Drug Benefit Act, manufacturers will be required to provide the government with detailed pricing information so the government will be able to establish the best available price for each drug listed in the formulary. This strengthens and clarifies the government's authority to manage the drug plan more effectively. Controlling the costs of the plan will result in savings to the government that can then be used to expand drug benefits.

A total of 182 drugs have been added to a new formulary that has been published and distributed to pharmacists. This formulary brings the total number of drug benefits in the formulary to approximately 2,600.

At this juncture, I might indicate that some members of this House have phoned me to inform me that some pharmacists have not received copies of the formulary as indicated. We indicated to each of those members that the formulary had been mailed by priority post, which guaranteed 24-hour turnaround time. In some isolated instances, as I understand it, this has not been met. I request that all members advise me directly of any problems so we may be of assistance to those pharmacists who have not yet received this material.

The price for each prescription drug listed in the new formulary will be an amount that includes the best available price for a drug, an additional 10 per cent of that best available price, plus a dispensing fee for each prescription. Best available price is the lowest amount at which pharmacies can purchase drugs in Ontario. The additional 10 per cent is meant to take into account differences in distribution and quantities purchased.

The Ontario Pharmacists' Association and the government so far have been unable to agree upon a new dispensing fee, which up until now has been \$5 per prescription. We will continue to negotiate this fee with the OPA; however, under the power of the new legislation, we will request a fact-finder if ongoing discussions do not result quickly in a fair and equitable solution. In the

interim, the dispensing fee will be adjusted to \$5.32 to reflect the inflationary increase for the period from April 1, 1985, to the present.

Recognizing that it is part of the professional authority of physicians when prescribing medications to ensure that a patient's best interests are protected, the new legislation eliminates the practice by pharmacists of dispensing only a one-month supply under ODB.

While pharmacists will be able to exercise their professional judgement and limit quantities when they believe a supply of medication could have an adverse effect on the health or safety of a patient, they will now normally dispense the entire amount prescribed. This provision makes it easier for senior citizens, because they will not have to travel to a pharmacy as often to have a prescription for long-term therapy refilled.

For example, an elderly woman with a chronic heart condition who takes one heart tablet a day would now have to make three pharmacy visits to get a prescription of 100 heart tablets filled. With the elimination of one-month supply under ODB, she will be able to have the entire prescription filled in one visit.

As a service to senior citizens, a minor amendment has been made that will help them become enrolled in the drug plan sooner. Effective today, senior citizens will become eligible for drug plan benefits on the first day of the month following their 65th birthday. This means most seniors will be automatically enrolled in the drug benefit plan sooner than is now the case.

The government can be justly proud of this new legislation. It takes into account many of the views and suggestions of pharmacists, manufacturers, physicians, hospitals, numerous consumer groups, members of the general public and, most important, members of this august assembly.

**Mr. Andrewes:** The Minister of Health's statement is a prime example of the old adage that if at first you don't succeed, try, try again. I will take his statement and add it to my collection of the four or five I already have relative to the Ontario drug benefit plan.

The statement emphasizes the minister's desire to move the ODB plan into a consumer-oriented program. What it does not say is that the 182 drugs he is adding to his new drug benefit formulary could have been part of a formulary for the past year and a half had the minister not been so intransigent. He does not tell us about the cost of not adding those drugs. He does not tell us of the cost to either consumers or the ODB plan.



He knows of our continuing and ongoing concern relative to the lack of clinical evidence and research on adverse drug reaction. He knows of our continuing concern about the elimination of the one-month dispensing limit, which may add convenience but which may also add to the waste, and certainly to the risk with unused quantities of drugs in people's cabinets.

**Mr. D. S. Cooke:** Very briefly, I would like to respond to the statement by the Minister of Health. This is almost the final step in a very long process. Some of the difficulties in the Ontario drug benefit plan came out many years ago through the Provincial Auditor, and to the minister's credit, he decided action would be taken to solve some of those problems. However, when we got the bill, it went through an incredibly long process in which all members of the committee played a very active role. I am somewhat proud that basic or important aspects of the bill, the best available price and the negotiating process for a dispensing fee, the amendments that this party put forward, carried in committee.

There are other aspects of the bill that are very positive. The emphasis on interchangeability is extremely important. The use of generic drugs, which obviously involves interchangeability, will save the taxpayers and the consumers of this province millions of dollars, unless the federal Conservative Party is allowed to destroy the generic drug industry by the passage of its federal legislation, which will eliminate any savings these bills incorporate for the taxpayers if the federal Conservative Party gets its way.

We are pleased that the formulary has been published.

#### IDEA CORP.

**Hon. Mr. O'Neil:** I would like to inform the House that I took action over the weekend to respond to two problems affecting two projects. These are the Wyda Systems investment approved by the former Innovation Development for Employment Advancement Corp. and a project involving Spectrum Semiconductor Inc., previously called LSI Applications Inc., undertaken through the former Board of Industrial Leadership and Development program.

With respect to Wyda Systems (Canada) Inc., the Ontario Development Corp. is seeking legal remedies against the company and has filed a court application this morning to have a receiver-manager appointed.

Members will be aware that the standing committee on public accounts of the Legislature

has indicated it would not object to an interim loan to Wyda. This was conditional on full co-operation by Wyda with the inquiries undertaken by the Provincial Auditor. These inquiries are undertaken on behalf of the committee into both Wyda and certain aspects of the affairs of the chief executive officer as they relate to the company.

When the officials from the Ontario Development Corp. discussed these and other conditions with Wyda, it became apparent that the required co-operation could not be obtained. I should also report that the chief executive officer of Wyda laid off all employees on Friday.

The Ontario Development Corp. has asked that, if appointed by the court, the receiver would review the operations of Wyda to determine the value of the technology and the ultimate viability of the enterprise. Furthermore, ministry officials have asked the employees to stay on the job, pending the appointment of a receiver-manager.

The chairman of the public accounts committee has been informed of these rapidly developing events.

The second case involves LSI Applications Inc., now known as Spectrum Semiconductor Inc. Spectrum was approved as a BILD project by the cabinet on April 22, 1985. The contract between the government and Spectrum was signed on June 17, 1985, by the then Minister of Industry and Trade. Under the terms of that contract, \$5.8 million of public funds has been disbursed to this firm.

Ministry officials became aware of difficulties in both the management and financial strength of Spectrum and called in the accounting firm of Coopers and Lybrand on November 24 to examine the operations of the company. The verbal preliminary report was made available to the ministry on Friday, November 28, and Coopers and Lybrand has been asked to continue its review. Based on the available information, officials of the ministry notified the Ontario Provincial Police on Sunday, November 30. The provincial police have decided to initiate an investigation.

**Mr. Gillies:** On June 10, 1986, I stood in the House and asked the Premier (Mr. Peterson) about two investments totalling \$8.5 million made by this government. We in the opposition alleged they were perhaps not made on the merit of the projects but because of the proximity of individuals in these projects to the Liberal Party and the current government of Ontario.

After the Premier had finished his usual denials and abuse, he undertook to look into the



matters. That proceeded and led to a statement in the House which was nothing short of a whitewash. The \$5 million lent to Graham Software Corp. appears to have been lost, as we found out in the minister's more recent statement. Today, we learn that the \$3 million-plus lent to the Wyda Corp. may be also in jeopardy.

During the inquiry by the public accounts committee, we were told repeatedly by officials of the ministry, of the former IDEA Corp. and of the Ontario Development Corp. that the quality of the product and the stability of the Wyda company could not be questioned; we could question the roles of Wilfred Caplan and Ivan Fleischmann in this business, but the company itself was sound and beyond reproach and was going to be just fine.

This is clearly not the case. The company is refusing to co-operate with the public accounts committee, which wants to know the details of how the \$3 million which flowed to this company has been expended and used. The company is refusing to respond to the committee's request. The chief executive officer who testified to the committee that everything was just wonderful, that his technology was earth-shattering and was going to cut a leading edge for our province in high technology, has now laid off the employees.

Most incredibly, in the minister's statement is the statement that "the receiver would review the operations of Wyda to determine the value of the technology and the ultimate viability of the enterprise." They are going to find out now. We understood in the committee that this investment was monitored closely by officials of the ministry. Naturally, we assumed that everything was fine before the \$3 million-plus was invested there.

This incredible statement today throws wide open again the question of whether this investment was made on the basis of merit or whether it was made on the basis of political consideration. I also suggest to the minister that the committee has done all it can on this matter. We have laboured long and well to unravel this mess; clearly, we have been unable to do so. The official opposition demands a full judicial inquiry into this matter, with a justice and with the power to subpoena. Let us get some real answers about the government's frittering away of millions of dollars of the taxpayers' money.

**Mr. Philip:** The statement by the Minister of Industry, Trade and Technology is yet one more admission of the mismanagement of this government. Members of the New Democratic Party expressed grave concern about the manner in

which the investment of \$3 million was paid to Wyda and another \$500,000 committed to it.

We expressed concern that taxpayers' money was being used for debt retirement rather than to meet the objectives of IDEA Corp. The standing committee on public accounts and the Provincial Auditor bent over backwards to try to find out exactly where the money was going and how it had been spent, and Wyda appeared to be unco-operative.

The taxpayers have a right to know where \$3 million has been frittered away by this government. The deal smells to high heaven. I suggest the only thing that will satisfy the need to know by the public and by the public accounts committee is a full and open judicial inquiry, and I call on the Attorney General (Mr. Scott) to hold one.

#### GOVERNMENT INVENTORIES

**Mr. Harris:** On a point of privilege, Mr. Speaker: On November 27, comments by the Attorney General (Mr. Scott) were broadcast on the early evening CBC news. The Attorney General spoke about allegations of misuse of government property by members of this Legislature. He also said that, on the basis of his knowledge of the situation, there was no need for an investigation.

On the same news item, Liberals who would not reveal their names attempted to smear the reputation of two members of this Legislature. The CBC reported allegations on Thursday last about the member for St. George (Ms. Fish) and the member for Cochrane South (Mr. Pope). These allegations were sourced by the CBC back to a Liberal source.

This type of mean-spirited media misrepresentation, playing fast and loose with the reputations of MPPs, is unacceptable. The Attorney General says there is nothing to the charges, but Liberals who lack the courage to let their names stand with their accusations attempt to smear the reputation of two outstanding MPPs. The openness and fairness of this administration has slipped another notch.

We demand an apology. We call on the Premier (Mr. Peterson) to determine who the Liberal sources are and, no matter who they are, to have them dismissed immediately.

**Hon. Mr. Scott:** Since the first part of the question relates to my press comments, may I point out to the honourable member and to members in the House that I was referring to the report of the Provincial Auditor at page 32 when

the question was put, and I will just read what he says:

"When physical inventory counts at ministers' offices were conducted, ministry staff were unable to locate many items. In our test counts of over 225 assets listed in inventory records for ministers' offices, 60 items could not be located. These included desk lamps, typewriters, dictators, colour televisions, 35-millimetre cameras and accessories, overhead projectors and transcribers."

I made the point that when we came into office in mid-year there were occasions in which we were unable to find certain materials in ministerial offices.

**Mr. Grossman:** That is a disgraceful bit of allegation. It is a disgrace to his profession.

**Mr. Speaker:** Would the Leader of the Opposition (Mr. Grossman) come to order.

I have listened carefully to the member for Nipissing (Mr. Harris) and I have listened carefully to the Attorney General (Mr. Scott). Having considered this briefly but, I think, carefully, I find that while the member stood on a point of privilege—he might have stood on a point of order because of allegations, because of imputing motives or whatever else—I cannot see that it is a point of privilege. The matter took place outside the Legislature. Therefore, I have to state that I feel it is not a point of privilege.

**Mr. Grossman:** The Attorney General joins hands with those Liberals who secretly seek to besmirch the reputations of honest and decent members, and he should apologize.

**Mr. Speaker:** Question? Order. I have called for questions. The standing orders state that the Leader of the Opposition is entitled to questions. Question, please.

**Mr. Grossman:** And we are entitled to a degree of responsibility and respect from the Attorney General, which we cannot get.

**Mr. Speaker:** Question.

**Mr. Callahan:** Come on, Larry.

**Mr. Grossman:** I am embarrassed as a fellow solicitor, I can tell you, Mr. Speaker. That was a disgraceful performance by someone whose responsibility is to uphold the law in this province.

**Mr. Speaker:** Order. Do you have a question?  
14:12

## ORAL QUESTIONS

### HEALTH SERVICES

**Mr. Grossman:** I have a question that relates to the very issue the Minister of Health has been

speaking about for ever so long this past year, which is accessibility to the health care system.

The minister will know that he spent a great deal of time, effort and goodwill that he had to trade off in seeking to ensure what he considered accessibility through Bill 94. However, the real accessibility problem is being faced by heart patients at the Toronto General Hospital.

He will know that last Thursday seven of its 21 operating rooms were closed. Three of those operating rooms have been closed for a month, often the busiest month of the year. He will know that more than 10 per cent of its intensive care beds are totally closed, 25 per cent of all of its operations are being cancelled and all heart operations for patients not already in hospital have been cancelled this week. All of this is because of the severe shortage of nurses in Ontario.

Can the minister tell us what steps he has already taken to ensure accessibility to heart surgery at Toronto General Hospital over the past several months?

**Hon. Mr. Elston:** The honourable gentleman has underlined what this party has recognized for a long time, and that is the indispensable nature of the nursing profession to providing care in this province.

We have no real facts at this point to indicate exactly why there is a stress on the supply of nurses in the intensive care units of that particular facility. We know that surveys undertaken prior to this time indicate that the greatest need, as the member points out, is in the Metropolitan Toronto area.

There is an advisory committee to the ministry that deals with nursing, headed by a renowned individual in the health care field, who will be reviewing the material that will be made available as a result of a survey done in November of this year. We will be taking a look at what can be done as a result of the statistics generated there.

I understand, as well as the members of this House, from the reports in the press on the weekend, that the hospital corporation itself is attempting to recruit by sending its people to the Maritimes to look for extra people to deliver services in those parts of the hospital facilities.

I have developed a high degree of interest in this, particularly over the past three or four months, as I have heard from people that problems in intensive care have placed many nurses in a position where they make a decision not to continue to practice in that area.

**Mr. Grossman:** The minister's response has been that he will be studying some of the



statistics. I remind him that he has a nursing manpower committee in the ministry, which has been there for some time.

We spoke to officials at the Toronto General Hospital, and they indicated to us that the ministry committee has been aware of this problem, not since November but for many months. The minister and his committee have done nothing whatsoever to alleviate the circumstance.

Can the minister report to the House, not his awareness of the current problem and his desire to do something about it now, but what he has been doing during the past 16 months to alleviate a problem that was absolutely predictable, all of it relating to demographics: the number of people in the system, the number of nurses in training and the number of nurses who have chosen to leave the profession? All this was pointed out to the committee by the Toronto General Hospital and others for several months. Specifically, what has the minister done or failed to do that has caused all these surgical procedures to be cancelled?

**Hon. Mr. Elston:** The honourable gentleman knows full well from his days as Minister of Health that the question of nursing manpower has been and will continue to be a cyclical one. There are times when there is a heavy supply of people going into the profession and there are other times when there are not as many.

I have had friends who trained to be nurses, who ultimately went to the United States to practise because there was no market for them. Those people have returned at various times to fill the gaps, predicting where the need for nursing manpower is.

The advisory committee the member spoke about has been in existence for a long time, but there does not yet seem to be a clear reading for this particular problem—which is in the nature of intensive care units, critical care units and the operation facilities—that is why decisions have been made to exit from the practice of nursing in those areas. We are trying to come to grips with that, which may help us predict much better how to deal with the cyclical nature of the need of nursing manpower.

As I understand it, my advisers have been doing what they can to predict when these problems occur. It is not something I have been unfamiliar with. It is something I have taken the liberty of discussing when I visited some of the facilities and with the heads of some of those departments in other hospitals to see whether anything was in place. Some of those places have

put in special committees to help nurses feel more comfortable in providing service.

**Mr. Grossman:** The minister has compounded the fear of neglect on his behalf. This afternoon he is saying he is not unfamiliar with the problem; he is admitting he has known about it for some time.

Given the fact he has known about it for some time, given the fact he has a nursing manpower committee and given the fact that during the negotiations with the medical profession, the minister personally offered to set up a fund to attract world-class doctors to come to Ontario or to stay in Ontario, how can he possibly explain the fact that there are dozens of heart surgical procedures being cancelled today, as we speak, with people, according to the hospital, on the waiting list likely to die because of the cancellations?

How can the minister say he has done nothing to attract nurses, to increase their remuneration, to set up a fund to attract them, as he is willing to attract doctors? How can he stand there today and say he has done nothing to deal with this accessibility problem through all the long months?

14:20

**Mr. Speaker:** Order. The question has been asked. The minister.

**Hon. Mr. Elston:** I did not say to the member that nothing had been done. They have done a lot of legwork in preparing to deal with this problem. In recruiting people in hospitals, as the member well knows, there is a requirement of management to take the steps it sees necessary to fulfil its manpower needs. There is no way for us to make every management decision within the hospital corporations, but we will take whatever steps my advisory committee thinks worth while.

As this member rises to talk to us today, I understand that there are already recruitment operations going on under the auspices of the hospital corporations about which he speaks. I hope on another occasion he will be able to stand and indicate that they have been successful. I believe they will be successful because we have a system here that is accommodating to the provision of high quality care to the people of the province.

IDEA CORP.

**Mr. Gillies:** My question is to the Minister of Industry, Trade and Technology regarding Wyda Systems (Canada) Inc. The minister will appreciate that we on this side of the House are stunned



by his statement today. I would like to go quickly through the points with the minister.

Our understanding is that persons close to the Liberal Party and to this government intervened to make this investment happen; that the company has gone into receivership; that the company is now refusing further co-operation with the standing committee on public accounts; and, most astoundingly, that the receiver will be asked to review the operations of Wyda to determine the value of the technology and the ultimate viability of the enterprise, a bald statement, as if this has not already been done by the minister's officials. We are absolutely appalled.

Is the minister prepared to recommend immediately to his colleague the Attorney General (Mr. Scott) that a full judicial inquiry be held into this whole matter?

**Hon. Mr. O'Neil:** We have made a court application for receivership. That went in this morning and it was put over until this afternoon; so we will not know until later this afternoon whether it has been accepted. As the honourable member knows, the public accounts committee has been looking into this, and an investigation is being done by Mr. Biddell. We have kept in very close contact with the committee. The member for Leeds (Mr. Runciman) has been notified of the action we have taken. We will see what happens on it.

**Mr. Pope:** My supplementary is to the Minister of Industry, Trade and Technology, who will be aware that the committee unanimously found that the nature of the investment changed dramatically as a result of a breakfast meeting on the morning of April 10, 1986, at the Inn on the Park attended by three individuals who were involved in this matter.

Will the minister have a judicial inquiry not only into the failure of this company, but also into whether the decisions made that morning were proper and in accordance with the terms of the mandate of the IDEA Corp. and the Ontario Development Corp?

**Hon. Mr. O'Neil:** First, as I said, the investigation is ongoing. We are having Peat Marwick look at it. We feel there is considerable value in the company, which we hope to save. That is why we have sent in an application and the investigation by Mr. Biddell will be continued.

**Mr. Pope:** Our first concern is that the documentation—not only corporate but also personal—be retained. As well, the minister will be aware that more than \$1 million was distributed on the closing day to certain individu-

als who claimed a debt was owed to them by this company, and that the debt was unsubstantiated by the lawyers representing IDEA Corp. or by the people who were working for IDEA Corp. prior to that money being paid. For all these reasons, will the minister not agree that a judicial inquiry is warranted to get to the bottom of this?

**Hon. Mr. O'Neil:** At present, as I have mentioned, it is hoped that Peat Marwick will be granted permission to go in and act as the receiver. Also, Mr. Biddell is continuing to look at it. I can assure the honourable member of our full co-operation with the public accounts committee on this matter.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question for the tough-talking Minister of Labour with respect to his new regulation. The minister knows there are 7,000 workers in Ontario, thousands of them in the reinforced plastics industry, who are exposed to styrene; yet the minister has set two standards for the province. The standard for the reinforced plastics industry is twice as high as the standard for other industries in the manufacture of styrene.

On December 6, the workers in Ontario will be protected by the new regulation from levels of styrene of 50 parts per million, but workers in the reinforced plastics industry will have to endure levels of 100 parts per million. The level is higher because the Minister of Labour cares more about industry than about the health of workers.

Will the minister tell us why this double standard exists? Why will he not force the reinforced plastics industry to live up to the same standards that everyone else in Ontario has to accept?

**Hon. Mr. Wrye:** I am amazed the honourable member is asking this question today. Surely he is aware that the standard proposed under the regulation is exactly the same standard that was proposed under the proposed designation of styrene, a designation about which there has been a public meeting. That meeting was held at the end of September. We are being absolutely consistent with the levels that are being proposed under the designation.

I am aware there is a different level of exposure allowed without the use of respirators, but I think my honourable friend will want to point out quickly that any worker in the reinforced plastics industry who is exposed to a level above 50 and below 100 would have to have a proper respirator. The member will also want to point out that for the first time, on December 6, the exposure levels for styrene as well as for

hundreds of other chemicals will have the force of law, something they did not have before.

**Mr. Martel:** The minister had the force of law with designated substances, nine of them, and never used it; so what is he talking about? This is the tough-talking minister who said he would engineer out these conditions and would not force respirators on workers. He goes around the province bragging about how he will get these things engineered out, but is now prepared to have workers working in places with twice the exposure level of anywhere else. He is the one who by regulation is forcing the workers to put on respirators. Why is the minister doing that?

**Hon. Mr. Wrye:** I am sure my friend is aware that the exposure level of 100 without the use of respirators, which is the legal limit that comes into effect this Saturday, is exactly the same level as is being used in the United States.

**Mr. Martel:** Yes, and I oppose that too.

**Mr. Speaker:** Order.

**Hon. Mr. Wrye:** I am sure he is also aware that the level is the same as that being used in other provinces. A great number of companies in the reinforced plastics industry today do not even reach the level of 100. We are going to have to ensure they have reached that level.

If my friend is suggesting that the reinforced plastics industry can reach 50 by this Saturday without having the workers use respirators, he should stand up and say so. I suggest that if the reinforced plastics industry had to reach the level of 50 by this Saturday without respirators, we would not have much of an industry on Monday morning.

**Mr. McClellan:** There is the old blackmailer.

**Mr. Martel:** In Sweden they have reached a level of 25 parts per million.

**Hon. Mr. Wrye:** They do not have an industry.

**Mr. Martel:** They have a styrene industry. The minister cannot tell me they do not use styrene in Sweden. The minister is nuts.

**Hon. Mr. Wrye:** They do not have an industry.

Interjections.

**Mr. Speaker:** Order. I know the member for Sudbury East sometimes gets a little carried away, but would he watch his language and ask the supplementary?

14:30

**Mr. Martel:** Mr. Speaker, I am afraid I am not being carried away by his silliness, it is that double standard—

**Mr. Speaker:** Order. Do you have a supplementary?

**Mr. Martel:** By all means. Can the minister tell me why the union representative of the workers at Ceilcote Canada in Mississauga, who make this chemical coating and who produce fan ducts, has been after the minister complaining for more than a year about the problems in the plant of excess styrene? By the way, styrene causes drowsiness, reproductive problems and possibly cancer, and the minister knows this to be fact.

The minister's inspector has been writing orders for more than a year now. Even though the company has been ordered to ventilate the plant, the ministry has not allowed the extension or has ignored the company's proposal at the same time, with the result that the ventilation is still not in place one year after the orders started to be written by the minister's staff.

Can the minister explain why the ministry held up the installation of ventilation at this plant and tell us why the standard that the company will have to meet is twice as high as the standard for companies that manufacture styrene?

**Hon. Mr. Wrye:** Over a number of months, the ministry has been working with this company during the past year. On a number of occasions we have inspected the company's facilities. We have issued a number of orders, not just for styrene but also for the storage of flammables. A number of stop-work orders have been issued. I can only say to the honourable gentleman that the orders for adequate ventilation were issued on July 17, 1986, and the company submitted sketches for the ventilation on October 10, 1986.

In November, the ministry engineer looked at the drawings, and since the time for compliance with the order had passed, a notice of noncompliance was issued by the ministry. We are concerned to ensure that the health and safety of the workers at Ceilcote are protected, and we hope the installation of the ventilation equipment can be completed as quickly as possible.

#### TRANSITION HOMES

**Mr. R. F. Johnston:** I have a question arising from the visit to the Legislature today of workers in the various transition homes for battered women around the province. The question is for the Minister of Community and Social Services.

I want to know what happened to the commitment that the Premier (Mr. Peterson) made during the last election to the notion that the centres should be seen as the major hub for dealing with the problem of battered women in this province. Why do they still have to spend so



much of their time fund-raising on their own? Why is there such a lack of concern about payment for their services and such a heavy reliance on volunteers? And why has the minister still not given them guaranteed core funding this long into his term?

**Hon. Mr. Sweeney:** There are 75 transition houses across the province that are funded by this government and this ministry. The difficulty that was brought to our attention was the lack of funding they could count on on a regular basis as opposed to just the per diems.

The honourable member will be aware that a decision was made to allocate \$3,000 per bed for counselling fees that would be ongoing. The member will also be aware that we recently announced an increase of in excess of \$5 million that was going to be used for a number of services, and one of them would be for children's counselling in the centres themselves. That money has been flowed to our area offices, and negotiations are going on with the various transition houses as to the sharing of that money.

The member will also be aware that additional dollars are going to be allocated through community resources for counselling of both victims and offenders, so that if there is any possibility at all of reconciling the family unit, that certainly will be done.

Finally, the member may not be aware of this fact, but recently my colleague the Minister of Housing (Mr. Curling) has provided support—

**Mr. Speaker:** Order. Supplementary.

**Mr. R. F. Johnston:** I feel that the minister's statement is confusing the facts, if I might put it that way in order not to use stronger language. I would be interested to know how much of that \$5 million is actually going to the centres, the transition houses. I think only a small portion of it is going there.

In the September 16 announcement he made about all this, the minister indicated money would be coming for child care workers. Does he realize that even in places such as Toronto there is currently a six- to eight-week waiting period to get children any kind of psychological assistance? Often, the children and their mothers have left the home by the time assistance in one of the mental health centres is available and that program is no longer available to the kids involved.

Can the minister tell us specifically how his child care announcements will improve the situation and when the money is available? According to these people today, none of them

have heard from the minister or from his offices about any negotiations.

**Mr. Speaker:** Order. Minister.

**Hon. Mr. Sweeney:** This past summer, a member of my staff went around to every one of the transition houses and asked exactly what the needs were, based upon the assessment of the front-line people who are actually working in those houses. One of the first recommendations was additional funds for the children while they were in a house. Until now, the recommendation had been that those children should use other community services, such as children's aid societies and children's mental health centres; but the recommendation was that the money should flow directly to the houses, so they could help the children while they were in a house. That money has been allocated to our area offices and will be allocated to the centres. That is the recommendation that was made to us, and that is the one that is going to be met.

**Mr. R. F. Johnston:** You will notice, Mr. Speaker, the minister still ducked the fact that it is only \$1 million out of the \$5 million. The rest is going to other services in the community, not to the centres. He knows that is the case. As an example of the fact that he is moving away from this concentration and emphasis on the centres and other kinds of programs, how many new centres will be the minister be opening in this province this year, knowing as he does that all the centres are turning away women on a regular basis because they cannot look after them?

**Hon. Mr. Sweeney:** The member will be aware of the fact that a 24-hour-a-day telephone network was set up a year ago in Toronto and celebrated its first anniversary just this past week. Its purpose is to be sure the available spaces are known on the network, so that if a woman goes to any centre and cannot get the service she needs, she can be told immediately where else that service is available.

In answer to the second part of the member's question, four new centres are in the development stage right now.

The third part of the member's question concerned the allocation of money. A total of \$5 million was allocated, a little more than \$3 million to my ministry, and \$1 million is going to go to the centres in various forms. The other \$2 million is for the public education and community counselling programs that the member and several other members have said is necessary. The money is being distributed in several different ways, not just one. Transition houses by themselves are not the only need.



## INFLUENZA VACCINE

**Mr. Andrewes:** My question is to the Minister of Health, and it pertains once again to the question of health care accessibility. The minister knows of the very serious threat to the lives of children between the ages of two and five from the hemophilus B bacteria, which can cause meningitis and severe forms of croup. He will know about this because it was raised with him by my colleague the member for York Mills (Miss Stephenson) in February 1986, and we are still waiting for his response, 10 months later. Will the minister tell us the status of distribution of the vaccine and the instruction and advice he is offering public health officials across Ontario?

**Hon. Mr. Elston:** I cannot quote verbatim any instructions for the honourable gentleman, but I will provide that information to him in terms of advice. We are considering the ramifications of funding certain vaccinations for this program within the ministry, but I cannot give the member verbatim information otherwise; I will provide that to him at a later time.

14:40

**Mr. Andrewes:** That is almost the identical answer he gave the member for York Mills some 10 months ago. The vaccine costs approximately \$15; it is not covered under the Ontario health insurance plan. Children between the ages of two and five are very susceptible, because they are in day care and prekindergarten centres.

Surely, to further improve the whole aspect of health care accessibility, the \$15 cost of the vaccine should be included under the health insurance plan, as is the case with other vaccines that are used in immunization programs. In our estimate, the cost would be less than \$2 million a year. Surely the minister can make that exception right away, before we get into the season when this type of flu bacteria becomes very prevalent.

**Hon. Mr. Elston:** I thank the honourable gentleman for his recommendations, and I will certainly take them into consideration. The honourable members opposite will realize the particular vaccine was approved for use in Canada only this past spring. We had to await that determination before we received approval for its use. I understand it is being used by some individual physicians with respect to their patients.

We are reviewing possibilities of funding the vaccinations. I will consider the strong recommendations of the honourable gentleman opposite and, I am sure, a number of his colleagues, as

well as those suitably made by my colleagues, in due course.

## AFFORDABLE HOUSING

**Mr. Reville:** My question is of the Minister of Housing. The Ontario Association of Interval and Transition Houses tells us that the major problem facing assaulted women and their families today is the shortage of affordable housing. Will the minister tell the House what specific steps he has taken to remedy that problem and to provide affordable housing for assaulted women and their children?

**Hon. Mr. Curling:** The honourable member knows I made a statement in the Legislature earlier about battered women; we had opened our doors to give them priority in Ontario Housing across the province. That is being done, not as fast as I would have liked, but it is being done.

With respect to the second part of what we are doing, I recently announced 3,000 units addressed to the hard-to-house people in this province. If members know there is a need in their areas, I request them to make their presentations to the ministry. We are targeting those 3,000 units to those hard-to-house people, especially battered women.

**Mr. Reville:** The minister will know it is not enough to open the doors, particularly when there is no room in the inn.

Is the minister aware that in spite of his 3,000 units for the hard-to-house, which I do not believe is the category into which he would put assaulted women and their families, and the 16,000 other units, the sods of which the minister has been busy turning, the vacancy rate will actually go down in Toronto, Hamilton-Wentworth, Oshawa and Ottawa-Carleton in the next year?

**Hon. Mr. Curling:** Is the honourable member telling me the vacancy rate will go down because we are accommodating battered women? We know we have a serious situation on our hands, and we know there is a lack of affordable homes. That is why we addressed 19,000 units this year alone towards affordable housing. That is a great increase to the 6,000 that were done in 1984. I know it is not adequate, but as the program of putting in 6,700 units goes on for the next five years, we are sure the vacancy rate will rise.

## IDEA CORP.

**Mr. Pope:** I have a question of the Minister of Industry, Trade and Technology with respect to the Wyda investment. The minister will be aware there is clear information that the proceeds of his

government's investment in Wyda were invested to some degree to pay off the company's outstanding loans or debts.

One of those was a shareholder's loan in the name of the president of that company personally for approximately \$450,000. He will also be aware that this loan was never examined by his officials, by those acting on behalf of the IDEA Corp., to substantiate it to see whether money had actually flowed from the president personally to that company and, therefore, that the promissory note was evidence of a real debt.

We know that on the day the government money was advanced, payment was made to the president of the company in circumstances that neither the minister nor I would tolerate in our day-to-day affairs. Knowing this, as just one example, will the minister agree that a full judicial inquiry is needed to clear up this mess?

**Hon. Mr. O'Neil:** One of the problems we have had as a new government is that we have had to deal with such organizations as the Board of Industrial Leadership and Development, an organization that the previous government set up.

**An hon. member:** Oh, come on.

**Mr. Davis:** Bob and Ian just gave you that answer a couple of minutes ago.

**Hon. Mr. O'Neil:** The previous government set it up. It is their board of directors; they were the previous government's rules. We took it over only on June 30.

I also am concerned about any investment such as this. As I mentioned to the member before, the investigation will continue before the standing committee on public accounts, Mr. Biddell and the receiver whom we hope to send in.

**Mr. Gillies:** The minister is somewhat confused. It is his slush fund we are talking about, not ours. It is \$3 million in public funds, and all he has done is to stonewall and whitewash every step of the way. Every step of the way there has been stonewalling and whitewashing from this government.

After this matter was originally raised in the House, the Premier (Mr. Peterson) came in with an incredible statement trying to whitewash the whole affair. This minister has been trying to do the same ever since. How can we have any trust in any internal inquiry he will be undertaking? Why will he not do the honourable thing and put this out to a public inquiry?

**Hon. Mr. O'Neil:** I believe the member is a little misinformed. It was his slush fund, not ours.

**Mr. Gillies:** You have all your lobbying friends right in the trough. Why don't you come clean?

**Mr. Speaker:** Order. The member for Brantford seems to be quite exercised. Did you want an answer?

#### DAY CARE

**Ms. Gigantes:** My question is of the Minister of Community and Social Services. He knows that since 1984 the city of Toronto has been providing an operating grant to nonprofit day care centres. These are not municipal centres but nonprofit centres. He also knows that what they have managed to accomplish in Toronto through this method is to provide for substantially increased payments for the care providers and to hold down costs to parents.

When is the minister's government going to follow the lead of Toronto and provide the same kind of direct grants, which will help families in Ontario find day care for their children?

**Hon. Mr. Sweeney:** The honourable member will be aware of the fact that our Premier (Mr. Peterson) was in Vancouver this past couple of weeks. He indicated very clearly and very publicly that this province wants to move forward in the area of direct grants and income testing to deal with both of the problems the member has just enunciated, the problem of low wages and the problem of high fees, and he asked the federal government to co-operate with us in making it possible for us to move forward in this area.

**14:50**

**Ms. Gigantes:** This minister is trying to pull a gag in this House. He knows perfectly well his government and the Conservatives before him could have brought in the same kind of program the city of Toronto now is operating with federal funding through existing arrangements with the federal government. Why is the government not now providing direct grants and the kind of income-testing he is talking about? What is he waiting for?

**Hon. Mr. Sweeney:** The honourable member will be aware that at present almost 50 per cent of all the licensed day care spaces in Ontario are in the commercial sector, which under the existing cost-sharing with the federal government cannot receive direct grants or income-testing. We cannot turn our backs on half of the licensed day care spaces in this province. What we are asking for is a transition period whereby we can deal with this issue as well as with the nonprofit.



## IDEA CORP.

**Mr. Pope:** I have a question for the Minister of Industry, Trade and Technology, who, having read his notes, will know by now that it was the finding of the standing committee on public accounts that the officials of the IDEA Corp. whom he employed who changed the nature of the investment as a result of a breakfast meeting on April 10 attended by Mr. Dobzinski, Mr. Caplan and one other individual, and that this decision was never taken to the board of directors. He will know that the funds we are talking about were allocated by the Treasurer (Mr. Nixon) for disbursement under the IDEA Corp. for this fiscal year and not from previous funds.

Having known that, having known the finding of the committee that a \$30,000 payment was paid to Ivan Fleischmann, a self-described Liberal hack, having known that there was payment to a spouse of a cabinet minister of about \$34,000 in total, having known that the debts that were paid off were not substantiated on closing and having known that this matter was discussed in his office since 1985, will he remove the matter from his office now and have a judicial inquiry?

**Hon. Mr. O'Neil:** As I have commented on a couple of occasions, the IDEA Corp. was set up by the Conservative government. They were their directors and employees. We moved to close down IDEA Corp., mainly because of some of the things that happened there. I have instructed our ministry staff to co-operate fully with the public accounts committee. We have placed Mr. Biddell in there to do an investigation and we will do what we can to make sure it is followed through.

**Mr. Pope:** The minister knows full well that the inquiry by the public accounts committee found that these issues were inappropriate and that there was a clear conflict of interest. He knows full well from the information given to the committee that on at least one occasion officials in his office were involved in discussing this financing deal. He should remove it from his office. Why will he not have a judicial inquiry and protect those records so we can all find out what happened?

**Hon. Mr. O'Neil:** As far as I know, the records are being protected. I would not want to find out that they were not. I do not think the honourable member is questioning my integrity on this. That is one of the reasons we appointed Mr. Biddell to look into it. It is one of the reasons

we asked Peat Marwick to go in as a receiver. It is one of the reasons the whole matter is under investigation. We have co-operated fully with the public accounts committee.

## RETIREMENT SAVINGS

**Mr. McClellan:** I have a question for the Treasurer, who I believe is still the minister in charge of pension policy. He will know that the federal government has now released application forms for the Canada pension plan that include, for the first time, a section on the form, "When do you wish your retirement pension to begin?" As one of the architects of these changes to the Canada pension plan—it was a federal-provincial initiative and Ontario had to exercise its approval for voluntary early retirement from age 60 under the Canada pension plan—my question to the Treasurer is this: at a maximum benefit of \$340 per month or \$4,080 a year in early retirement benefits under the Canada pension plan, how many people in this province does the Treasurer think will actually be able to retire at age 60?

**Hon. Mr. Nixon:** I do not expect anyone would be able to retire at that age unless he was disabled and therefore had access to additional revenue or had built up certain other assets that would assist him at that level.

The honourable member will recall raising this in the estimates of the Treasury two or three weeks ago, and I was able to inform him and other members of the House that the Treasury experts had reviewed the costs of extending programs that are normally allocated to retired persons over the age of 65, and those numbers are already on the record.

Although they are large, they are not so large that they should not have careful consideration in the development of policy that would parallel the change in the Canada pension plan that now allows retirement between the age of 60 and 70 at the decision of the individual.

**Mr. McClellan:** Again, can the Treasurer enlighten us as to why on earth he would participate in the approval and development of a scheme that has no practical application of any kind unless somebody is independently wealthy?

Can the Treasurer tell us when Ontario will bring in a supplementary benefits program, an Ontario early retirement pension plan, that would permit citizens in this province to take advantage of voluntary early retirement at age 60, perhaps starting with workers in heavy industry and in companies where the employer agrees to replace early retirees with young workers? When does



the Treasurer intend to bring in a program that will make this a meaningful possibility?

**Hon. Mr. Nixon:** The member should not dismiss out of hand the possibility that a number of people working, employed in this province over a number of years, have built up savings and resources that would permit them to undertake at least the consideration of a retirement earlier than 65, and that the additional payments from the Canada pension plan would be useful and advantageous for them.

I am aware that the New Democratic Party has a program that would advocate earlier retirement and, just as we pay attention to all the New Democratic programs, we are also looking at this one.

#### HAMILTON HEALTH CENTRE

**Mr. Ward:** I have a question for the Minister of Community and Social Services. Is the minister aware that the landlord from whom his ministry currently rents space for children's mental health services in Hamilton has served notice that the lease will be cancelled in the very near future? Is the minister prepared to look at the possibility of relocating these services into the new east end health care facility when it is available?

**Hon. Mr. Sweeney:** The representatives from Hamilton-Wentworth region were in to see me a few weeks ago asking us to transfer the location of our children's mental health centre. At that time, I pointed out to them that we were located in a commercial building and that the rent and the renovations for the newer building were much higher than what we were paying where we were and that, quite frankly, unless they could get a better deal for us, I could not afford to divert children's mental health money for that purpose.

I have recently learned that we may have to give up that lease. If that is the case, we are prepared to sit down again and attempt to negotiate a deal with the east end health clinic.

#### ALCOHOL ON OPP BOAT

**Mr. Sterling:** I have a question for the Attorney General. Can the minister tell us the scope of the police investigation looking into the conduct of the Solicitor General (Mr. Keyes) and what the cost of this will be to the taxpayer of Ontario?

Why is any investigation necessary since the Solicitor General has openly admitted to drinking while the Ontario Provincial Police boat was under way? Why does the Attorney General not

lay the charge as was the case for 800 other ordinary citizens in Ontario?

**Hon. Mr. Scott:** As the honourable member knows, it is the responsibility of the police to lay charges. I can answer his questions. As I understand it from the Metropolitan Toronto Police, its investigation will be a complete and full one. It will involve no direct costs to the Ontario government.

15:00

**Mr. Sterling:** Inspector Neish of the Metropolitan Toronto Police has said that his investigation will last approximately another week. Will the minister agree to table and assure this House that the report on the investigation will be tabled in the House once it has been completed?

**Hon. Mr. Scott:** As the honourable member knows, reports are made to the Ministry of the Attorney General. For reasons I have previously given to the House, we are not in the practice of revealing the complete report. I will be glad to look at the report when it is in hand to see whether there is any reason why it should not be released to the House.

#### RETIREMENT SAVINGS

**Mr. Mackenzie:** I have another question for the Treasurer with regard to pensions. My colleague raised the question of early retirement and the Treasurer indicated some workers may have built up some assets that would allow them to retire early. The Treasurer will be aware that if they have early retirement bridging arrangements under the private plans, they will lose most of that money if they take advantage of early retirement under the Canada pension plan. When I asked the Premier (Mr. Peterson) about this on October 22, he indicated he would talk to the Treasurer and the appropriate minister and get back to us as to whether they were prepared to look at closing this loophole. Can he tell us where we stand at the moment?

**Hon. Mr. Nixon:** I think the honourable member took part in the discussions on this matter at the time of the Treasury estimates. We are looking at the cost of extending the guaranteed annual income system below the age of 65, extending assistance under the Ontario drug benefit program and quite a wide range of programs that are available to residents of Ontario, citizens of Canada, over the age of 65. I am not prepared to give the member anything specific on this. It is being reviewed by people in Treasury along with many other aspects of our policy.

**Mr. Mackenzie:** The Treasurer will know that the current policy negates the ability to take early retirement. He will also be aware that Quebec amended its pension legislation in 1984 to allow for early retirement. At the same time as they amended their pension legislation, they closed this loophole. If Quebec can do it, why can Ontario not do it?

**Hon. Mr. Nixon:** The member is aware that pension legislation is pending. There have been all sorts of discussions involving bringing our pension requirements into a parallel position vis-à-vis other provinces. This matter is going to be debated extensively in the Legislature and following that in the committees of the House.

#### ADULT EDUCATION

**Mr. Polsinelli:** I have a question for the Minister of Education. Last week the minister made a statement on a new formula for adult education funding in this province. Can the minister assure the House that this formula will not in any way lead to fees being charged to separate school supporters for vital adult education programs or the needless duplication of these programs across the province?

**Mr. Davis:** Go ahead; tell us again.

**Mr. Ashe:** Tell us again. It was in your press release but he did not read it.

**Hon. Mr. Conway:** I am delighted to have a question from my colleague the member for Yorkview on an important matter. This question represents more by way of interest than I have heard from my friends the member for Durham West (Mr. Ashe) or the member for Scarborough Centre (Mr. Davis), who clatter on quite noisily this afternoon.

**Mr. Ashe:** We read your press releases.

**Mr. Davis:** We read your press releases.

**Hon. Mr. Conway:** Yes, the new formula, which we believe is an important and positive response to the concern that has been identified, will address the concerns that the new formula will provide 100 per cent funding for the costs of delivering approved adult education courses.

**Mr. Davis:** It was the only option you had and it took you 17 months to find it. I learned to add yesterday.

**Hon. Mr. Conway:** Perhaps I can just calm down my friend the member for Scarborough Centre, who has become more agitated than he has any right to be on a day such as today. The new formula will recognize the actual cost of providing the programs and will see substantial

increases to many boards. No school board will be worse off as a result of the new formula.

**Mr. D. W. Smith:** The Minister of Education has said this new funding mechanism is definitely going to improve the situation for a lot of school boards and possibly for the Metropolitan Toronto School Board. I am concerned about whether the minister is going to take anything away from the small and rural school boards. Can he assure me this will not happen?

**Mr. Davis:** What book is the minister reading today? Quote from it.

**Mr. Speaker:** Order. The member for Scarborough Centre may have his turn shortly.

**Hon. Mr. Conway:** I want to say to my friend the member for Lambton that we have recognized the need to make changes. We have consulted widely. I had expected to hear the advice of the official opposition, but 16 months of silence was all I heard. It is remarkable that the member for Scarborough Centre can be silent on some matters, but on this important matter he was much more silent than he is in question period.

**Mr. Davis:** The minister does not listen. I would have given him the answer 17 months ago when it was raised in Bill 30 hearings.

**Hon. Mr. Conway:** I am still waiting.

**Mr. Speaker:** Order. Interjections are out of order.

**Hon. Mr. Conway:** I fear I shall wait much longer for constructive advice from the tatters of the once powerful Progressive Conservative Party in Ontario.

**Miss Stephenson:** If the minister wants to see a tatter, he should look at himself.

**Mr. Rowe:** Look who is back.

**Hon. Mr. Conway:** She has returned from Bahrain, and all is peaceful.

**Mr. Speaker:** Order. All interjections are out of order.

Interjections.

**Mr. Gillies:** Go ahead, Sean; make her day.

**Mr. Speaker:** There may be a further comment to your response.

**Hon. Mr. Conway:** To the member for Brantford, I have a feeling I could make the day of the member for York Mills (Miss Stephenson) a lot better and a lot quicker than could the Leader of the Opposition (Mr. Grossman).

**Mr. Harris:** Is that not out of order, Mr. Speaker?

**Mr. Pope:** What does that mean?

**Mr. Speaker:** Order. New question.

#### SUNDAY TRADING

**Mr. O'Connor:** The Treasurer was just laughing out aloud about the Sunday shopping issue, and I thought I would ask a question of the Attorney General in this regard. He will be aware of the announcement this week by Simpsons that it intends to open all 11 of its Toronto-area stores this coming Sunday. He will also be aware that several other large stores will be opening in direct violation of the Retail Business Holidays Act. Will the minister tell us whether he intends to attempt to enforce the law by laying charges and proceeding with them or whether he has simply thrown in the towel, given up the ghost and is going to allow this to continue unabated?

**Hon. Mr. Scott:** In these cases and any others where stores remain open contrary to the law, charges will continue to be laid. The reality is, as the member knows, that the Court of Appeal of Ontario has upheld the validity of the act in question. That act represents the law of Ontario, notwithstanding the pending appeal in the Supreme Court of Canada.

We have been laying charges where infractions occur. The courts have elected not to proceed with those charges pending a determination from the Supreme Court of Canada, but we will continue in this case to lay charges.

I should add one other word. To me it is an offensive and shocking thing when, for whatever reason, one of the more responsible merchants in the community decides it will consciously, as a matter of policy, break the law of Ontario established by the Court of Appeal.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** That can be forgiven in many cases where one is dealing with small wage earners, but in my opinion it cannot be justified, even when there is a major economic motive to do so. I hope the Robert Simpson Co. and other companies like it, which have a substantial public reputation in the province for integrity and honourable dealing, will reconsider and see fit to comply with the law our court has fixed.

15:10

**Mr. O'Connor:** This government has seen fit to communicate with senior executives of companies when difficult problems have arisen in the immediate past. I speak of Goodyear. As soon as that problem arose, members of the government were immediately on the phone to the chief

executive officer. Has the Attorney General arranged to meet with or has he instigated any kind of meeting with the presidents or any of the chief executive officers of Simpsons or the Bay in an attempt to instill some sense into the situation pending the Supreme Court decision?

**Hon. Mr. Scott:** Frankly, I do not regard it as my function to meet with officers of large corporations to invite them to comply with the law of Ontario. Those large companies—and we are not talking about smaller people trying to feed their families—have a positive obligation to obey the law. They will not get a bended knee from me asking them to do so.

Interjections.

**Mr. Speaker:** To the member for Scarborough Centre (Mr. Davis), the member for Hamilton West (Mr. Allen) would like to ask a question.

#### RACE RELATIONS

**Mr. Allen:** I have a question for the Minister of Labour in his capacity as the minister responsible for the Ontario Human Rights Code.

I have with me a copy of the Enemy of Rambo doll. It is the only one in that series that has an ethnic-specific identification. It is clearly Arab. It is described as, "Treacherous;" "unstable as the blowing desert sand;" a "desert scorpion," "his only family a wandering band of cut-throats and thieves;" "men without honour who use their knowledge to carry out terrorist acts on innocent villages."

I am sure the minister recognizes the invidious racism of this product. The company in question has ceased to import this doll, but the inventories are in for Christmas and this is selling briskly in Hamilton, where I bought it, in Toronto and elsewhere.

Will the minister, as the administrator of the code, please advise us what he is doing to remove this doll from the shelves of Ontario stores so it is not an insidious piece of racism beamed to our children this Christmas?

**Hon. Mr. Wrye:** This is the first I have heard of this matter. It is the first time it has been brought to my attention, and I thank the honourable gentleman for doing so. I will take up the matter with the officials of the commission immediately, and I will report back to the honourable member tomorrow.

#### PETITIONS

#### LÉGISLATION PORTANT SUR LES DROITS DE LA PERSONNE

#### EQUALITY RIGHTS LEGISLATION

**M. Pope:** J'ai une pétition signée par des gens de Cochrane Sud:



"La Législature ontarienne étudie présentement le projet de loi numéro 7. Ce projet 'omnibus' présente des points très positifs et louables.

"Cependant, les numéros 1 à 5 de la section 18, m'inquiètent beaucoup! Ce projet de loi consistant à modifier le Code des droits de l'homme, mentionne les 'orientations sexuelles' de la personne.

"L'Église catholique dans sa tradition judéo-chrétienne fait nettement une distinction entre les orientations sexuelles d'un être humain et son comportement sexuel.

"En tant que citoyen de cette province, je m'oppose à une telle législation. L'Église catholique comme tous les groupements de culture judéo-chrétienne, ne peut tolérer une telle situation.

"Tout être humain a droit à la protection selon le Code des droits de l'homme, y compris les homosexuels. Cependant, la libéralisation des 'activités' homosexuelles serait une grave erreur pour notre société.

"C'est pourquoi, bien cher Monsieur le Député, je vous demande de faire les recherches nécessaires et de voir à faire clarifier et corriger les points 1 à 5 de cette section 18 du projet de loi 'omnibus' numéro 7. La loi ne peut pas rendre légale l'homosexualité active avec toutes les conséquences que cela entraînerait."

J'ai une autre pétition aussi, Monsieur le Président:

"Je suis au courant que le projet de loi (Bill 7) est actuellement à l'étude à la Législature ontarienne.

"Il y a dans la section 18 les numéros 1 à 5 qui me paraissent inacceptables. Ce projet de loi, consistant à modifier le Code des droits de l'homme, mentionne les 'orientations sexuelles' de la personne.

"L'Église catholique dans sa tradition judéo-chrétienne fait nettement une distinction entre les orientations sexuelles d'un être humain et son comportement sexuel.

"Ce projet de loi dans sa formulation actuelle demeure très ambigu en se limitant à l'expression 'orientations sexuelles'.

"Je vous rappelle que le comportement homosexuel est incompatible avec la morale chrétienne. Toute loi facilitant la pratique de l'homosexualité serait nuisible à la société, à toute institution qui s'y oppose et à l'éducation. En plus, si ce projet de loi dans sa formulation actuelle devenait légal, le couple homosexuel obtiendrait les mêmes garanties légales que le couple et la famille.

D'ailleurs le service civil de Toronto parle déjà en ce sens.

"C'est pourquoi je vous demande en tant que notre député, votre intervention et votre influence politique pour la sauvegarde de la morale et de la famille dans le processus décisionnel du parlement. Puisse le gouvernement retarder toute action hâtive avant qu'une consultation soit faite à ce sujet."

**Mr. Speaker:** Do you have something further?

**Mr. Pope:** Yes, I do. I have a petition to present.

"The undersigned, being inhabitants of the city of Timmins in the province of Ontario who believe in the proposition that lawmakers and laws reflect common moral values of our society, strongly object to the inclusion of the sexual orientation provisions in Bill 14."

I also have a further petition from a different community in my riding, in French, to the same effect as what I read out previously.

**Mr. Pollock:** I wish to table a petition.

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, of L'Amable Bible Chapel petition the government of Ontario not to introduce 'sexual orientation' into the Human Rights Code of Ontario."

It is signed by 58 people.

I have another petition, which reads:

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, from the Pentecostal Tabernacle, Bancroft, Ontario, petition the government of Ontario not to introduce 'sexual orientation' into the Human Rights Code of Ontario."

It is signed by 152 people.

I have another petition.

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, from the Bancroft Bible Chapel, Bancroft, Ontario, petition the government of Ontario not to introduce 'sexual orientation' into the Human Rights Code of Ontario."

Another petition reads:

"To the Lieutenant Governor and Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario not to introduce 'sexual orientation' into the Human Rights Code of Ontario."

It is signed by 25 people who are "concerned citizens."

The last petition reads:

"To the Lieutenant Governor and the Legislative Assembly, the province of Ontario.

"We, the undersigned members of the community of Belleville and district, beg leave to petition the government of Ontario, whereas we wish to express our strong dissatisfaction with the government introducing legislation which will include 'sexual orientation' in the Human Rights Code, section 18 of Bill 7.

"This legislation would preclude the freedom presently enjoyed by religious institutions in having a strict code of conduct in hiring practices and would destroy the family concept so vital to our heritage and its perpetuality."

It is signed by 58 people.

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. R. F. Johnston from the standing committee on social development reported the following resolution:

That supply in the following amount and to defray the expenses of the Office Responsible for Senior Citizens' Affairs be granted to Her Majesty for the fiscal year ending March 31, 1987.

Office Responsible for Senior Citizens' Affairs program, \$3,286,900.

15:20

### MOTIONS

#### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Nixon moved that the member for Haldimand-Norfolk (Mr. G. I. Miller) and the member for Downsview (Mr. Cordiano) exchange places in the order of precedence for private members' public business and that, notwithstanding standing order 71(h), the requirement for notice be waived with respect to the ballot item standing in the name of the member for Haldimand-Norfolk.

Motion agreed to.

#### COMMITTEE MEETING

Hon. Mr. Nixon moved that the standing committee on the Ombudsman be authorized to meet following routine proceedings on Tuesday, December 2, 1986.

Motion agreed to.

### INTRODUCTION OF BILLS

#### INFLATION RESTRAINT AND PUBLIC SECTOR PRICES AND COMPENSATION REVIEW REPEAL ACT

Hon. Mr. Nixon moved first reading of Bill 163, An Act to repeal the Inflation Restraint Act

and the Public Sector Prices and Compensation Review Act.

Motion agreed to.

**Hon. Mr. Nixon:** The repeal of these two acts is proposed because the periods of restraint established by the statutes have expired. Accordingly, the statutes no longer serve a useful purpose.

#### FARM LOANS AND FARM LOANS ADJUSTMENT REPEAL ACT

Hon. Mr. Nixon moved first reading of Bill 164, An Act to repeal the Farm Loans Act and the Farm Loans Adjustment Act.

Motion agreed to.

**Hon. Mr. Nixon:** The repeal of these two acts is proposed because the statutes are outdated and have not been used in the past 20 years. The Ministry of Agriculture and Food has much more appropriate and effective programs to assist farmers.

#### ADOPTION DISCLOSURE STATUTE LAW AMENDMENT ACT

Hon. Mr. Sweeney moved first reading of Bill 165, An Act to amend the Child and Family Services Act and Certain Other Acts in relation to Adoption Disclosure.

Motion agreed to.

#### CITY OF NORTH BAY ACT

Mr. Harris moved first reading of Bill Pr40, An Act respecting the City of North Bay.

Motion agreed to.

### ORDERS OF THE DAY

House in committee of the whole.

#### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT (continued)

Consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

**Mr. Pope:** On Thursday afternoon, as this debate adjourned, I was dealing with some of the comments of the Attorney General (Mr. Scott) when he led off debate on this important legislation.

I was trying to make a point about the statement of the Attorney General that a distinction had to be drawn between criminal activity, because the Criminal Code took care of that, and the ability to discriminate with respect to housing and employment based on the grounds set out in

the Attorney General's legislation. His statement is found on page 3622 of Hansard:

"It"—the amendment—"deprives nobody of the right to judge the competence of individuals objectively, whether it be for employment or housing. It does not alter the law of marriage. It does not downgrade the family as the central institution of our country. It does not alter or modify individual or societal values."

The point I was leaving with the Attorney General was that I did not see the point he was making. I did not know whether the Attorney General was saying that one can discriminate with respect to housing and employment on the basis of a criminal conviction, that one can discriminate with respect to housing and employment on the basis of an allegation of criminal conduct or on just what basis the Attorney General was linking an offence under the Criminal Code to the provisions for employment and housing under his amendments to the Human Rights Code. I do not believe the distinction the Attorney General wants us to accept as his rationale for not worrying about this issue is necessarily the correct one.

The Attorney General said something that I find rather significant in the debate on this matter. I quote from page 3623 of Hansard:

"Everybody understands that in order to make this system work, we must regard moral questions as personal matters, not governmental matters, because as soon as a moral question becomes a governmental matter, then we have a tyranny over which there is no control."

With the greatest of respect to the Attorney General, that is as clear a statement of secular humanism in government as I have seen in a number of years. I do not share the Attorney General's point of view. I am sure many others in this province and in this country do not share the Attorney General's views. From time to time, governmental matters must have regard to moral questions, and we as legislators, without being pious or self-righteous about it, have a duty to address moral questions in our conduct and in the issues concerning which we enact legislation. I do not accept the division the Attorney General so clearly laid out as a basis for secular humanism that we should be adopting in Ontario today.

I am not saying we need to have a tight, rigid code that reflects only the values that we as individuals hold for ourselves. I am aware that this is a pluralistic society and that we must be as all-embracing on these questions as possible. The Attorney General spoke eloquently to that in his comments about the need to reflect on the

pluralistic nature of our society and to address that reality as a government in this province.

I therefore agree that in making decisions on moral questions we must have regard to the pluralistic nature of our society and the different values that are legitimately held by all members of society, but I do not endorse the comments of the Attorney General. I believe them to be a cry to secular humanism in the conduct of government.

### 15:30

I want to refer to an article written by Aleksandr Solzhenitsyn:

"The West has yet to experience a Communist invasion: religion remains free. But the West, too, is experiencing a drying up of religious consciousness. Since the late Middle Ages the tide of secularism has progressively inundated the West. This gradual sapping of strength from within is a threat to faith that is perhaps even more dangerous than any attempt to assault religion violently from without.

"The meaning of life in the West has ceased to be seen as anything more lofty than the 'pursuit of happiness,' a goal that has even been solemnly guaranteed by constitutions. The concepts of good and evil have long been banished from common use. It has become embarrassing to appeal to eternal concepts, embarrassing to state that evil makes its home in the individual human heart before it enters the political system."

I say to the Attorney General that the concern that has been expressed, which many others have read into the record, which many other members of this Legislature have expressed more eloquently than I can, is a concern that you cannot have the absolute on one end or the other. Somehow in the midst of it, there has to be an addressing of moral questions of the day in our conduct as politicians.

I am not taking the Attorney General's statement on page 53 of the Instant Hansard as any more than an expression of his philosophy. It is set out that way in Hansard and is a philosophy with which I disagree profoundly. We will have this disagreement on that basis and that basis alone. I think it is important for our governments and our politicians to reflect upon moral questions of the day, to wrestle with them and to try to come forward with some rational expression of common good, having gone through the philosophical debates that have to be gone through to address the moral questions.

As a Legislature, as lawmakers, our duty is not only to reflect upon moral questions of the day but also to reflect in this Legislature and to the



people of the province our own sense of the concerns on moral questions that every individual in this province wrestles with on a day-to-day basis. We have a duty to deal with that here. I do not think we can walk away from it in this legislation, or in any other piece of legislation or in anything else we do as legislators.

I profoundly disagree with the statement the Attorney General made. It is the wrong signal to send out to caring individuals and organizations in our society who are not happy to make anyone or any group the whipping boy for their own morality, who are not anxious to be seen as anything other than tolerant and caring individuals, but who do have some concern about the general drift of our society and where we are going as legislators and want that reflected here on the floor of the Ontario Legislature.

I want to reiterate that I disagree with the Treasurer (Mr. Nixon). I do not think the people who have expressed concern over these amendments are the voices of intolerance in our society. I do not think the Big Brothers are the voices of intolerance; they are a caring group of individuals trying to help children. I do not think the Boy Scouts are the voices of intolerance; they have a long history of service to all society. I do not think organized religions and church groups are the voices of intolerance; they have a great deal of concern about the moral questions they confront in their daily lives and they want to see those concerns reflected in this debate and in dealing with these kinds of issues. We all have an obligation to do that. I know members from all three parties will be doing that.

As I said at the outset, I am not here to seek the approval of the galleries; I am here to reflect the concerns I see in the people of my riding. I am proud to do that. I will do it when questions such as this arise and I feel they have to be spoken to. That pile of paper on the table says what the constituents of Cochrane South think about this legislation. The phone calls we have all had in the past month, and probably even before that, say what the people across this province think of this legislation.

I think it is ill advised. I think we should go back and vote against these amendments for all the reasons I have stated, and also to signal that the Attorney General has used this bill to send out a message of secular humanism that we are not prepared to accept in Ontario.

**Mr. Reville:** I want to speak today in favour of the amendment to the Human Rights Code. For many years, I have been aware of discrimination against homosexuals. I am pleased that the

amendment has finally come before this House. It has been a long time in coming. I hope we will now rectify some of the wrongs done to homosexuals. Having listened with growing discomfort to the debate during the past few days, I am unable to predict what will happen. I can predict, however, what will happen if the amendment passes and what will happen if the amendment does not pass.

Whether the amendment passes or fails, there will be people of differing sexual orientation. Whether the amendment passes or fails, some families will be in crisis. Whether the amendment passes or fails, the birth rate will rise or fall, although I suspect it will fall, for reasons quite independent of sexual orientation. Whether the amendment passes or fails, there will be crimes committed by heterosexuals and there will be crimes committed by homosexuals, and society can expect that those crimes will be punished.

If the amendment succeeds, it will no longer be legal for a person to be denied a job, a seat in a restaurant, an apartment or a mortgage simply because that person is, or is suspected of being, a homosexual. I regret to say other forms of discrimination will continue until our society becomes truly tolerant in its heart, not just in its codes. Judging by the speeches we have listened to, which speeches, I admit, do reflect real concerns, true tolerance is a long way from being a reality in our society.

I feel a bit like Sid Handleman's characterization of my good friend the member for Sudbury East (Mr. Martel), whom the former minister describes as exhibiting weary impatience, born of long experience with losing battles.

As a child in the 1940s and 1950s, I was aware of the terrible prejudice against homosexuals. In our schoolyards, we kids used the hate words we learned from older children, who in turn learned them from adults. In 1963, however, I was confronted for the first time in my life with a real example of discrimination against homosexuals. At that time, I was the director of day camping for a small southwestern Ontario municipality. I received a phone call. The phone call was, as one might expect, anonymous. The woman on the other end of the telephone wanted me to know that the assistant director of one of my camps was a homosexual. The woman wanted me to fire that individual. I took all this in and asked her whether she was concerned that the assistant director of a particular camp was going to harm the children. She said: "No. That is not the point. He is a homosexual and he must be fired."

Clearly the difference between homosexuality and paedophilia was not important to my caller.

I have run in elections that were festooned with hate literature against homosexuals. In 1980 and 1982, I was targeted by Positive Parents. Its leader, a man named Stew Newton, used to refer to me as a member of the homosexual New Democratic Party caucus. I suffered the not-so-tender mercies of Campaign Life and Renaissance Ontario. I assume the reasons for such attention were (a) my support of John Sewell in his mayoralty bid in 1980; (b) my support of a call for an inquiry into the raids on the bathhouses in 1981; and (c) my support for legislation prohibiting discrimination against people on the grounds of their sexual orientation.

#### 15:40

I have talked to some of the young people I know, some of the teenagers. The hate words are still there in the schoolyards. When young people in our public schools and in our high schools want to describe something they do not think is good, they say, "That is really gay." When one inquires of these young people what they mean, one discovers that in fact they are not prejudiced against homosexuals but have learned this kind of hate talk somewhere and use it.

My daughter is 16 years old today. I will pass along the good wishes of the members to her. As I was fulminating around the kitchen about this debate, she offered me her advice. I find her advice very useful. She said to me, "They must be very afraid, which is why they are feeling so hateful." I thought about that. Perhaps she is right. I have encountered various kinds of prejudice in the work that I have done as a politician over many years. One can often trace that prejudice, be it racial prejudice, religious prejudice, prejudice against people of differing sexual orientation or prejudice against disabled people for goodness' sake, back to some kind of fear, some kind of grieving that the world is changing and that the world sometimes seems out of control, some kind of hurt that this is so. The fear, the grieving and the hurt sometimes roll up into a ball of hate, because hate is a very focused thing. It is a very sharp thing.

I remember standing in front of crowds of angry people in some of the group home battles I was in. They did not want people whose behaviour they could not predict, and who might put at risk the stability they hoped they had in their lives, move on to their streets. Of course, what happened is that a year after the group home was in place everybody was just as happy as

could be about it, because the fears they had had were not realized.

I do not believe the fears that people have about this amendment to the Human Rights Code will be realized.

**Mrs. Marland:** People have not had a chance to discuss this amendment.

**Mr. Reville:** The member for Mississauga South (Mrs. Marland) has had her turn and does not want to repeat that exercise, I do not believe. This amendment will not require any one of the member's constituents to embrace homosexuality. It will not require any one of her constituents to change his moral views. It will require them to put aside their prejudice.

I do not believe this amendment will be a danger to children. I find that what children find most difficult about the world is deceit. Children have a very good appreciation of what hypocrisy is, because they see things with their eyes and then listen to adults, including their parents, explain to them what they do not see.

This amendment will not be a problem for children, because I think this amendment will say we care about the human family. I know every homosexual is the child of someone; I know some homosexuals are the parents of someone; and I know they are the brothers, sisters, uncles, aunts and cousins of someone. I know that what they want to do is to get on with their lives. They do not want to spend all their energy fighting battles that the rest of us do not have to fight to get rights that the rest of us take for granted.

I applaud the courage of the gay rights activists. It is not pleasant to be a gay rights activist in our society. One is the target for all sorts of filth and abuse. Sometimes one is the target of real physical abuse. Therefore, I have to give the gay activists I know a great deal of credit for their courage.

One of the things about this debate is that it has often left me incredibly offended and ashamed to be part of a body of legislators that feels as reactionary as this body does. One of the things I have been proud of is the way some of my colleagues have dealt with this matter. I am particularly proud of my colleague on the front bench of our caucus, the member for Ottawa Centre (Ms. Gigantes)—not because she is on the right side of this issue, because I expected nothing less, but because of the calm, patient and loving way she has dealt with the people who have brought these concerns to her.

Rather than being hostile or defensive, she has patiently explained what the amendment does and what it does not do. She has explained it in



her own family and in terms of the love her children and what she would feel and do if one of her children came to her one day and said, "Mom, I am a homosexual." I have been very moved by that and I have been very proud of her. To that extent, I have been proud of this Legislature.

I also have an unshakable belief in the resilience of the human spirit and I know that if this amendment does not pass this round, it will come back and that those who are in the pursuit of a tolerant society will prevail. That has helped me to deal with some of the feelings I have had about the debate.

As I listen to some of the unsubstantiated allegations that are contained in the mail we have all received and as I have puzzled over why a legislator would want to put those unsubstantiated allegations, slanders and libels into the record, I have found myself in danger of becoming hateful myself. That really does give one pause and one has to sit down and think: "What is it that is making me feel this way? How do we deal with intolerance if we become intolerant in the struggle to achieve tolerance?"

I must confess I have been very troubled by that. I can assume only that legislators feel it is their responsibility to put what their constituents say on the record, as it is. I would have preferred if they had added their own feelings, what they thought about such comments, because those of us who seek these positions of leadership are often called upon to explain things to people, to advocate on behalf of people on whose side, frankly, there are not often very many advocates.

The amount of misinformation and perhaps disinformation that has been put out on this matter is truly amazing. I hope that in most cases it is unintentional misinformation, but I suspect that in some cases it is not; it is what we in our jargoned-up society now call disinformation. I abhor that and all members of the Legislature must abhor that too. Why can we not show the leadership that is required? I hope we can do that, and I hope we do it pretty soon.

15:50

**Ms. Caplan:** I rise today to join in the debate on the proposed amendment to Bill 7. In this House we have heard the history of human rights legislation in this country and in this province. We have heard of the leadership shown in this House by previous Premiers and previous governments. Civil libertarians, humanitarians and civil rights activists share a common philosophy that is the basis of our legislative framework and

in particular our Canadian Charter of Rights and Freedoms.

In this country we have enshrined in our charter the view that no law-abiding citizens should be discriminated against because they belong to or are perceived to belong to a certain group or class. We believe all law-abiding citizens are equal under the law. Our Human Rights Code in Ontario is a reflection of this belief, an explicit and implicit reminder.

Should anyone be denied shelter? Should anyone in our society be denied the opportunity to work? Should any taxpayer be denied those public services? When we ask ourselves these questions, the answer almost unequivocally is, of course not. Then why do we need this charter? Why do we need a Human Rights Code? Why have legislation at all? If our society lived by the oldest of our most treasured values, that golden rule, treat thy neighbour as thyself, do unto others as you would have them do unto you, we would not need that legislation; our charter and our legislation would be redundant. Sadly, as history has shown us, that is not the case.

The Attorney General spoke of signs displayed in our society 100 years ago. It was less than 100 years ago that we had those awful signs in this very city. We had restrictions on deeds and covenants. I know, because I saw them in my life as a title searcher and I saw them as a child some 35 years ago when I first learned to read. One generation ago, individual law-abiding citizens in this province had to change their names to get teaching jobs and had to leave this province to get an education. My aunt, an outstanding teacher, had to change her name to get a teaching job. Another aunt, who wanted to become a nurse, had to leave this province to get her education. In those years, some businesses, even banks, had policies not to hire anyone, no matter how qualified, from certain groups and certain classes. Unfounded fear, prejudice, stereotypical perception and ugly caricatures created an unjust and unequal society.

We in this House cannot legislate an end to bigotry. We cannot legislate an end to prejudice. We can, however, make legislative statements and as legislators use this forum to tell the truth and expel unfounded fears. We should use this forum to promote the end of the discriminating barriers in our free society. We want a civilized and humane society that treats individuals, law-abiding, taxpaying, honest citizens, equally under the law. That has been our goal for many years, and progress has been slow. This debate—and I say this with much sadness—has not done



that. We all know or should know that we are not condoning, encouraging or supporting a lifestyle. This should not be a debate that morally evaluates the lifestyle of others. We are not here either to condone or to condemn. We are offering no special protection, no special treatment, no special favours.

From the letters and calls I have received opposing this proposed amendment, it is apparent that a common fear is that this amendment will give some special right to gay men and women. That is not true. At present, under the Ontario Human Rights Code, no person can be discriminated against with respect to employment, accommodation, contracts, goods, facilities and services because of race, creed, colour, sex, marital status, nationality, ancestry or place of origin of such person or class of person. This amendment simply assures that same protection to this class of persons.

Another common belief about this proposed amendment is that gay people could not be prevented from using their positions as teachers or as persons in authority to adversely influence those under their care. This amendment gives no such right. Any teacher can be fired for not following the prescribed course of study and anyone can be fired, in spite of the Human Rights Code, if he or she violates his or her job description or business code of conduct.

Another fear is that gay people might make sexual advances to those under their care and somehow have a right to make such advances. The Criminal Code of Canada is clear and provides severe penalties for any person, regardless of his or her sexual orientation, who makes sexual advances to a minor person. Conviction can lead to a long prison sentence.

The proposed amendment does not give homosexuals, lesbians or bisexuals any special right. It simply assures for them the human rights protection that we hope is enjoyed by all other people in our society: a right not to be denied accommodation, a right not to be denied a job, a right to all the public services for which they pay. It does not give them the right to ignore the Criminal Code.

Why would we deny them this, even if individually within this Legislature there are members who do not approve of or condone their lifestyle? I am not here to judge. This amendment does not threaten the sense of strong family values that I hold so dear, the values for which I have fought within our society. It seems to me if we are really a caring society, we would let all

persons live where they choose and work where they are qualified.

By not being named in the Human Rights Code, these people are subject to documented discrimination and blackmail. Those of us who support this amendment are merely saying that no group of law-abiding citizens should be denied the basic human right to the services they pay for: the right to shelter and the right to work. That is all this says. It is false that this amendment will hurt anyone.

If this debate has shown us anything, it is that this amendment needs to pass. We have heard prejudice and unfounded fears articulated in this House. As legislators, we have a responsibility to try to explain to our constituents what this amendment will do and the fact that it will not harm anyone.

Denying any minority group these basic human rights does not enhance our traditional moral societal values. It not only mocks those values but also tarnishes all that we cherish in this land of freedom. Perhaps the day will come when other minority groups not currently listed will be identified. Perhaps they will be bureaucrats or journalists or politicians and thus require this kind of future clarification. That is really what we are doing: clarifying our Human Rights Code. We have said it all in our charter; our Ontario Human Rights Code just clarifies it. Hence, it is a reminder. Being excluded from our code suggests an exemption that I believe was never intended to be the case. It is certainly not the case in our charter when it speaks of classes of persons.

**16:00**

The past human rights leadership in Ontario has been outstanding. The position of the Premier (Mr. Peterson) has been clear and unequivocal. His government stands for human rights for all. We in this chamber either believe in our Charter of Rights and Freedoms and in assessment and evaluation on the basis of individual merit and competence, not on group discrimination, or we do not. I do. I applaud those in this Legislature who know this legislation is what it is and know it is not what it is not. I stand with those who have set aside partisan politics to champion the cause of human rights for all.

This proposed amendment was supported at committee by members of all three political parties. We have a responsibility as legislators, as lawmakers, to seek justice and encourage tolerance. If we do not—and I stress, if we do

not—then we deserve the cynicism and the disrespect we get in return.

**Mr. Andrewes:** I wish at the outset to refer to some comments made by the Attorney General when he introduced this amendment. He argued that we as legislators in this province or in any other democracy must separate our moral views from what he refers to as governmental matters. He defended those comments with reference to John Kennedy when he met with the ministers in Houston and to the record of John Kennedy following his election as President of the United States. He defended his comments further with references to Governor Cuomo's autobiography.

The member for Cochrane South (Mr. Pope) has referred to these comments and talked about them as secular humanism. My concerns are a bit more fundamental than those of the member for Cochrane South. When we stand in our ridings as candidates for election, go to candidate meetings, knock on people's doors, produce our literature and ask for people's support, we are judged on a wide set of criteria. Our constituents look at us and perhaps say they like our physical appearance, our history, our participation in community events, our idealism, our ideology or our affiliation with a political party.

There are many criteria against which a candidate's credibility is judged. One of those criteria may be the candidate's moral views. If we are to follow the argument of the Attorney General and separate ourselves from those moral views when we come to this chamber—if we are to leave those moral views at the door of the chamber—then we perpetrate a fraud on those very people who have given us the sacred trust when they elected us.

The member for Oriole (Ms. Caplan) was quite eloquent in her comments about what the amendment to section 18 would do. She also dealt very clearly with her view of what the amendment would not do. If I can be a bit circumspect for a moment, I would say that in my view this amendment deals with tolerance. It speaks of our tolerance of people who have chosen a lifestyle in which two people of the same gender enjoy a loving relationship. That may fly in the face of our traditional Adam and Eve relationship, but in today's society, we know it exists.

I am a tolerant person. I believe people should be given the right to make those decisions in our society as long as they obey the law. However, in my view, this amendment is risky. In my view, it will give an excessive tolerance to one group at a risk of creating intolerance of the views of others.

In his remarks, the member for Riverdale (Mr. Reville) mentioned his own situation, in which he was having some difficulty in controlling his emotions on this issue.

We are being asked to give a group in society the benefit of the doubt under the Human Rights Code. At the same time, however, it is risky; the risk is that we would cast doubt on the views of others. In my conversations with people who are both gay and not, they have all suggested that the amendment will not stop gay-bashing. It will give a measure of comfort to the gay community that gays do perhaps enjoy some more distinct status under the Human Rights Code, but how do you enshrine tolerance into a law?

If the member for St. David (Mr. Scott), the member for Ottawa Centre and the member for Riverdale, or any other member of this Legislature, were to come in here with an amendment that would give the Human Rights Code real force, without enumerating the interest groups, without making gender distinction, without making racial distinction or any other form of distinction, simply to say that this code will apply to all people equally, fairly across the province, that would give real force to the law. That would allow us to speak very clearly and forcefully of tolerance for all people.

**Mr. McCague:** I welcome this opportunity to say a few words with regard to the sexual orientation amendment proposed in Bill 7. In my constituency, I have 12 newspapers to which I submit news columns to inform my constituents of forthcoming legislation. In September, I sent an article to the newspapers informing my constituents that some time during this fall session the members of the Legislature would be dealing with the sexual orientation amendment to Bill 7.

In the article, I expressed the opinion that homosexuals in Ontario currently have the same rights as other citizens. Inclusion of sexual orientation in the Human Rights Code is not about equal rights at all but about special status. Homosexuals want a right that heterosexuals do not have; they want to coerce others into not taking into account their inclination to practise their prevailing preference, even when those others, who include parents, employers or landlords, have contrary convictions.

The result is an expansion of the privileges given to homosexuals and a shrinking of the rights of other citizens. Homosexuals enjoy the same freedoms of conscience and religion, expression and association. They have the same access to education and health care and the same



commercial rights to contract or not to contract with others for goods and services, subject to some antidiscrimination laws, as is everyone else. They are protected by the Charter of Rights and the existing Human Rights Code in Ontario and enjoy the same equal protection and benefits of all statutory and common law rights and remedies. In other words, homosexuals already have all the rights and freedoms enjoyed by other Canadians. The freedom of association valued by all Ontarians includes the corollary right to nonassociation.

#### 16:10

On the other hand, there is an equally strong social benefit in discouraging arbitrary decisions that cause widespread injury to innocent parties. Human rights laws have struck a delicate balance, which accommodates both interests.

This amendment would entrench in law the idea that homosexuality and homosexual relations are as morally valid a way to organize family units in society as are heterosexual relationships. Today homosexuality is seen by some in the community as an equally legitimate, attractive alternative lifestyle to heterosexuality. If passed, this amendment would mean that in addition to the rights shared by everyone, homosexuals would have special rights, recognizing in law their lifestyle and behaviour.

Homosexuals want official recognition and social acceptance of a lifestyle that is morally offensive to a significant number of Ontarians. They want the same recognition and protections accorded to racial and religious groups and other legitimate minorities, not because of some unchangeable or morally neutral characteristic, but because of sexual conduct.

No other minority group is protected by the Human Rights Code based on behaviour. Canada's Charter of Rights protects citizens on the basis of identity, not behaviour. Alcoholics and compulsive gamblers do not qualify for such protections, and neither should homosexuals.

Canada's Charter of Rights states that everyone has the right not to be discriminated against on the basis of race, national or ethnic origin, sex, religion and age. It refers to discrimination on the basis of sex, not sexual orientation. The first is true discrimination; the latter is not discrimination at all.

Sexual orientation refers to an optional lifestyle, whereas sex refers to the inherent characteristics of being male or female. The Ontario Human Rights Code was never intended to give a social blessing to immorality. The classes it protects are all morally neutral. No moral fault is

attached to being black or white, a native or an immigrant, a male or a female. The sheer moral innocence of the victim of discrimination has made the case for such laws compelling. Part of the wisdom of the Human Rights Code is to focus only on groups that all agree are morally neutral. Without such a focus, social support for such legislation could crumble.

I believe this amendment is the first step of many, which will eventually lead to the recognition of legalized homosexual marriages and homosexuals' adoption of children. It is part of a long-term plan of a well-organized pressure group.

Last year the city of Toronto politicians rushed to extend tax-subsidized health care coverage to nontraditional family members of all city workers, benefits to the same-sex lovers of male and female homosexual city employees. A Toronto city solicitor told councillors they may well be held personally liable for added costs of benefits. He informed them that under the Ontario Municipal Act, paragraph 44, section 208, domestic partnerships for benefit coverage is limited to wives and husbands.

The city hall politicians are now in a catch 22 situation. The city of Toronto council had no legal authority to extend health coverage, nor the right to throw family relationships out the window.

If the sexual orientation amendment recognizing homosexuality as an alternative lifestyle to heterosexuality passes, how could the Legislature deny the city of Toronto an amendment to change the Municipal Act or not provide the city of Toronto with special legislation in order that individual councillors would not be liable for the expanded health benefits? There should be no doubt in our minds; it is a step in that direction.

The Toronto Public Library Board, for instance, as part of its no discrimination on the basis of the sexual orientation policy, already arranges insurance coverage for one-sex families.

To suggest that sexual orientation included in the Human Rights Code would not entrench in law the idea that homosexuality and homosexual relations are as morally valid a way to organize family units in society as are heterosexual relationships is nonsense. That is exactly the message that would be sent.

It has been argued that to add sexual orientation to human rights legislation is neither to condone nor to legitimize homosexuality. In their book, *An Introduction to Government and Politics, A Conceptual Approach*, Dickerson and



Flanagan drew a fundamental distinction between legitimacy and authority. Authority has to do with the right to command or make laws; legitimacy has to do with a response by the governed to those commands or laws. Both are moral or ethical concepts as well as political concepts; that is they involve perception of right and wrong.

Government power without legitimacy, without substantial public support, is only coercion or force. Public authority survives only as long as it has substantial legitimacy in society. Ordinary men and women look to law and government to provide a foundation of justice and morality. It is the moral power of our society that will cause it to survive. As we destroy that, the rest will fall.

Traditionally, the issue of the right of members of the same sex to marry has met with a fundamental obstacle wherever it has been tried in Canada, the United States and Britain. Simply put, a marriage between man and man or woman and woman is not a marriage. No marriage exists. By definition, marriage is the voluntary union for life of one man and one woman, to the exclusion of others.

The argument most often put forward by the gay community in support of their right to homosexual marriages is this: as long as marriage is a convention that carries legal and financial advantages, homosexuals should be permitted by law to enjoy those advantages equally with heterosexuals. In short, it is an argument based on equal rights.

I argue that homosexuals have all the rights and freedoms enjoyed by heterosexuals in our contemporary society. Is this an example that it is not so? Not at all. Two heterosexual room-mates of the same sex have no better right to marriage in order to benefit from the tax advantage than do homosexuals. There is no discrimination there based on sexual orientation. Any differential in treatment of traditional marriage partners is based on sound policy and biological reality, not discrimination.

Homosexual marriage would be harmful to family life and would be socially undesirable. It is true that the mounting demands and pressures of contemporary life have put almost unbearable stress on the family. The family is the fundamental mediating structure of our society. It ought not to be surprising that the shocks and upheavals of our contemporary culture would be absorbed or deflected by the family in the rough and tumble of daily life. However, after all that, the family remains the essential building block of society, and its continued resilience in the face of

impossible economic and social tensions is a hallmark of its preservation.

Equality and freedom are really a question of balance. Once again, it is a fundamental principle of law that every right implies a corresponding duty. For example, we have seen that if a homosexual has the right to teach sex education classes in a public school, the school has a corresponding duty to allow him to do so, and the parent of a child in that school loses the right to say anything about it. The parent of that child loses not only his right but also his moral duty to scrutinize the moral character and conduct of those into whose charge the child is committed.

### 16:20

To use the coercive powers of law to force ordinary people to violate their conscience or religious convictions by compelling them to abandon their moral parental duty or to enter into significant social contact with others whose moral character and conduct they object to is fundamentally repugnant to the constitutional freedoms of conscience and religion. If the Ontario Human Rights Code is amended to include sexual orientation, many Ontario citizens will be forced to act in a way that is fundamentally contrary to their beliefs and conscience. This amendment will coerce men and women of bona fide religious conviction to violate their consciences. Homosexual behaviour is morally repugnant to a large number of people of varying religious traditions.

Such laws might compel churches, religious schools or other religious organizations to hire a person whose sexual practices contradict their religious doctrines. They could force those groups to adopt costly affirmative action programs and to hire people who practise behaviour morally repugnant to their religious beliefs. They could force religious organizations that run battered women's shelters, temporary housing for the homeless, soup kitchens or day care centres to hire homosexuals in violation of church doctrine or lose government funding of their operations.

Those who make judgements based on perceived moral character are placed in a hopeless predicament by such laws. The threat of legal sanctions presents such a person with Hobson's choice, violate conscience or violate the law.

Society has every right to prefer heterosexual behaviour as a matter of social policy. Society need not be ashamed of promoting the family. It can legitimately encourage people to organize themselves into families in order to get special privileges. Strong families are the foundation of

a strong society. The family is the microcosm of society. Through providing essential services to society such as procreation, education, welfare and training, it renders incalculable benefits that society can reasonably seek to reward. Homosexuality, on the contrary, is essentially anti-family. The law has every right to discourage people from entering into paths that are demonstrably destructive, physically and psychologically, first to the homosexuals and then to society.

There is a tendency in public policy today to sacrifice freedom to equality in the pursuit of human rights. In an incisive and important article, Professor Ian Hunter of the faculty of law, University of Western Ontario, notes that a willingness to permit this sacrifice may be a characteristic of liberal democracy, an instrument to the secularization of contemporary Canadian society. He warns, quite rightly, that we must reflect carefully on the cost in human freedom that our endless pursuit of equality exacts.

This issue addresses some of the most difficult moral and religious concerns of Ontarians. That being so, this government has failed to allow Ontarians thoughtful public debate and scrutiny by not allowing public hearings on this important matter.

The member for Ottawa Centre points out that a 1985 Gallup poll indicated that 69 per cent of Ontario citizens support legislation such as her amendment to Bill 7. From letters I have received from constituents in my riding, talking to them on the telephone and having conversations in person, I cannot accept those figures. My observations lead me to an opposite conclusion. While polls are useful, they are not always what they seem.

I received a letter from the Coalition for Gay Rights in Ontario in July urging me to support the amendment. The letter stated: "According to the last Gallup poll, the majority of Ontarians, 69 per cent, indeed the majority of Canadians, are in favour of prohibiting discrimination on the grounds of sexual orientation." Since that did not coincide with what I was hearing, I decided to look into the matter, and here is what I found.

The poll was conducted from September 12 to September 14 in personal interviews with 1,043 adults more than 18 years old in 105 enumeration areas across Canada and chosen at random. The poll was carried out by Gallup for a legal firm, with the financing coming from the gay community of Peel of Toronto. The group is working under a grant from the federal Department of

Justice to examine the legal dimensions of discrimination against gay men and women in the context of the Charter of Rights.

Here is the question that was asked: "Federal and provincial human rights codes make it illegal to discriminate against people in employment, accommodation and services because of race, colour, religion, age, sex and so on. In Quebec, it is also illegal to discriminate against people because of their sexual orientation, that is, heterosexuality, homosexuality or bisexuality. Most human rights commissions in Canada have recommended making discrimination on the basis of sexual orientation illegal. Do you agree with their recommendations?"

The question, the way it was phrased, suggests that homosexuality and bisexuality are recognized as alternative lifestyles. It does not say how many human rights commissions make the recommendation. Quebec is the only province that has sexual orientation in its code. To suggest that homosexuality and bisexuality have the same status in law as heterosexuality is misleading, to say the least. I have laid out a scenario that suggests that the Bill 7 amendment is the first step on the long road to recognizing homosexual marriages, along with the adoption of children. No one should take pride in immoral behaviour, but is it not worse to encourage another to take pride in behaviour that is destroying him or her?

A fundamental principle of democracy is to provide for public input. The Premier chose in the past, on Bill 30, the extension of separate school funding, to have extensive public hearings, which took 321 hours. The standing committee on administration of justice sat for eight months on Bill 7 hearing submissions from both sides on this controversial issue. On the sexual orientation amendment to Bill 7, there was not one hour of public hearings.

Does a tolerant, modern society deny citizens their right to public input? Why does the Premier not withdraw Bill 7, rewrite it without the sexual orientation amendment and return it to the House, where it could be passed in one day? Put the sexual orientation amendment in a new bill, reintroduce it and send it to a committee for public hearings. Democracy takes time.

I cannot support this amendment under the current circumstances.

**Mr. Callahan:** I have listened attentively to the debate. I have listened to the views of those who spoke in a harsh fashion and of those who spoke in a sensitive fashion. I hope all of those members spoke from their considered opinion as



opposed to perhaps the question of political expediency.

**Mr. Davis:** On a point of privilege, Mr. Chairman: I would ask the member to reconsider that statement. I believe anybody who speaks in this Legislature on this issue speaks from his heart and from his beliefs, not for political reasons.

**Mr. Callahan:** I can tell members quite candidly that I have spent five to 10 days agonizing over the decision on how I would vote in this matter. I have had considerable difficulty sleeping. I started from the point where I was voting against it. Thereafter, I am going to vote for it. I would like to indicate why I am going to vote for it.

Some of the objections I have received purport to come from people who put this on a religious basis. My God—

**Mr. Wiseman:** On a point of order, Mr. Chairman: I would ask the honourable member whether he would retract what he said about the other members who are speaking in the House. I have not spoken yet, but I intend to speak and I would like that stricken from the record. It is not becoming to the member. If he wants to get to cabinet, that is one way, but that is not the route to get there.

16:30

**Mr. Callahan:** If that is the intellectual level to which one can accuse a member of speaking for or against the matter, I take exception to that.

Many of the arguments have been put on a religious level.

Interjections.

**The Deputy Chairman:** Order.

**Mr. Callahan:** As I was trying to point out, in my life and, I hope, in the life of the citizens of this province, God looks at human beings as being those people made in His image and likeness. He does not necessarily apply a test of whether or not one is a drunkard, a criminal or a homosexual. Surely to heaven we do not just leave these people out to dry.

**Mr. Shymko:** On a point of order, Mr. Chairman: It is truly unfair to list homosexuals in the category of criminals and drunks. I object to this.

**The Deputy Chairman:** This is not a point of order.

**Mr. Callahan:** The point I am trying to make is that human beings are of tremendous value regardless of what society may dislike or like about the way they carry on their lives. The fact is

that we are dealing with human beings. There are a large number of homosexuals and lesbians currently living in society in Ontario, Canada, the United States and all over the world.

What do we do? Do we simply turn a blind eye to that fact and say that these people are nonentities and that they are not going to be given the liberties or protections provided under the Human Rights Code for other people? I have had two experiences in my professional career where I have seen qualified people discharged for the simple reason that they were homosexual. If that happens to one person, it is unacceptable.

In addition to that, how do we know what the effects of our parenthood will be on our own children? How can we be sure that one or more of them will not become lesbians or homosexuals? If that were to happen, how would a parent react to the fact that his child or children were homosexuals? How would they ever achieve rights for those children? Would those children be left out in the cold? I suggest that this issue has to be approached very sensitively.

Surely to heaven the argument being put forward by particular religions that this is agreeing with a lifestyle has no foundation whatsoever. The reality is accepting the fact that those people are there, that they are human beings and that they have to be dealt with fairly and sensitively. It concerns me gravely when I find that for some reason people seem to think the God they and I have looks upon these people as being different. He looks upon all of them as being human beings.

**Mrs. Marland:** You had better read the Old Testament.

**Mr. Callahan:** To answer my friend the member for Mississauga South, the New Testament—

**Mr. Chairman:** Order please. This is not question period. Please continue.

**Mr. Callahan:** Surely to heaven there is the recognition of the fact that there was a thief who, in the dying moments of his life, was recognized as a human being worth saving; in fact, most of the people my Lord hung around with were people not of a respectable nature but people who were perhaps looked upon by society as outcasts. Those very factors were the things I had to consider.

I had to consider whether I could simply ignore those people, turn a blind eye to the fact that they were there and not recognize their rights. For that reason, and after listening carefully to many of the arguments that have been put forward, I will be voting in favour of Bill 7.



**Mr. Pierce:** It is a pleasure for me to stand up to speak in opposition to the inclusion of the amendment in Bill 7. For the benefit of the members in the House, I can assure them that I am speaking as my conscience tells me and not as somebody else has told me. I am also speaking on behalf of the people who elected me to represent them in the district of Rainy River. As have other members of the House, I have received many letters and petitions in opposition to the amendment. The only letters I have received in favour of the inclusion of the amendment have not come from within my riding. Not only do I speak with my conscience, but I also speak for the people who elected me to represent them.

Very briefly, for the sake of the record, I would like to read some of the letters and correspondence I received. A number of them are written with a lot of emotion.

This is one from a constituent in Atikokan:

"I am writing to commend you on your stand against sexual orientation in Ontario's Charter of Rights and Freedoms. The people who have put forward this proposed amendment are either extremely naïve or extremely evil." She goes on to make reference to other parts of the act.

Another constituent from Emo, a small community outside of Fort Frances, writes:

"I strongly oppose Bill 7, section 18, subsections 1 to 5. It is not acceptable for the government to amend this legislation so as to give homosexuals the status of families in our society." She goes on.

Through my riding offices, I did a personal survey of the churches represented throughout the communities. Of the churches that responded, 11 were opposed to the inclusion of sexual orientation and one was in favour. In another community, all three churches were opposed.

As I said in my opening remarks, I received numerous petitions. Sometimes the news does not travel as quickly in northwestern Ontario as it does in eastern Ontario. There are a lot of people who do not know that this amendment has been proposed. I note with interest the articles in the newspaper by individual unions that are strongly in favour of the inclusion of the amendment in the bill, and yet I have a petition signed by 13 people from the Canadian Union of Public Employees, Local 795, health care workers in the La Verendrye General Hospital in Fort Frances, in opposition to the amendment to Bill 7.

This is contrary to what a number of the unions are saying. They say they represent all their members throughout the province and that they will not tolerate discrimination for any reason,

and that is the reason the amendment should be included in the bill.

Another letter from Barwick reads:

"I would like to express to you that I strongly oppose Bill 7, section 18. I do not believe that this legislation should be passed."

Another petition from a group of people in Fort Frances strongly urged that I stand up in the House and oppose the inclusion of the amendment in Bill 7. Another letter from a constituent in Emo reads:

"I oppose Bill 7 section 18, subsections 1 to 5. It is not acceptable for the government to amend this legislation so as to give homosexuals the status of families in our society."

#### 16:40

I note with interest that the letters I have received are all handwritten. None of the letters I received in opposition is a photostated copy or copies of circulated letters.

I have a letter from Emo which says the same thing: "I oppose the inclusion of section 18 in Bill 7."

I have a letter from Stratton, Ontario: "My vote is XX no to legislating homosexuals as a family unit."

It is not my role to take up a lot of the time of the Legislature, but I can assure members I will be voting in opposition to the inclusion of sexual orientation in the Ontario Human Rights Code. I will be voting as my conscience dictates and as the people of my district have asked me to do.

**Mr. Wiseman:** I am pleased to have the opportunity to say a few words on this important amendment.

The people of Lanark, whom I have had the privilege to represent for more than 15 years, have sent a clear message to me that they are opposed to subsections 18(1) to 18(5). I have had many letters and phone calls. Many people have come up to me at different functions to let me know how they feel on this subject. Every time I have had an opportunity to speak in my riding, I have asked that people come up to me after or give me a phone call later to let me know their views on this, if they did not want to say them during the meeting. Other than letters from organized groups, I have never had one that I am aware of to my constituency office, my Toronto office or my home that was in favour of this section of the bill.

I would like to clarify something. We received copies of a letter saying the United Church of Canada, of which I am a member, an elder and a trustee in the town of Perth, is in favour of the sexual orientation provisions of section 18. After

I read that letter, which was sent to our Premier, I phoned to find out where the United Church of Canada got the authority to speak on behalf of all its members. The person who had sent the letter in the first place was not there, but they did give me the name and number of the moderator of the United Church. This was the former moderator, before the last council met to elect the new lady moderator.

I called the former moderator long-distance in Vancouver and talked to him for about 20 minutes on this subject. I found out this was done by the social committee of the United Church of Canada, which is made up of the moderator and four or five individuals. I asked him whether he ever did a poll of the churches to see whether they were in favour of the stand these four, five or six people were taking on behalf of the United Church of Canada. He asked me, "Do you do polls in your riding to see what stand you should take?" I said: "I hope I do and I hope I have on any issue people want to get in touch with me on. I try to reflect that in my caucus, in here or wherever, and bring the views across."

My own church, of which I am an elder and a trustee, is opposed. Our ministers are trying to have special meetings to try to enlighten the people, both for and against. However, it is not the case for the people in the pews or the majority of the United Church ministers that the stand the former moderator of the United Church has taken is the stand those people want him to take. I understand that the new moderator, when she was first elected, made a statement similar to that of the outgoing moderator; but since that time, I am told by many, she has moderated her position. What it is now I am not just certain, but she is talking to ladies' groups and different groups within the church, and I understand she has softened her position quite a little bit.

I understand from some very good friends and ministers or priests in the Anglican Church that there is a similar situation within that church. That church, I understand, has sent a letter saying it is in favour of section 18 of Bill 7. I am told by very good friends and, as I mentioned before, by ministers, priests or whatever you want to call their clergy, that it is not speaking on behalf of the people in the pews or the majority of the ministers within that church.

Like the member for Rainy River (Mr. Pierce), I have done a survey of all the clergy within my riding. I found that 60 per cent were opposed and 40 per cent were in favour. However, when I talked to those 40 per cent, they said their belief was that this bill would be broken down into two

sections. One would cover the situation in which homosexuals are in a position to influence young people—that is, brownies, cubs, scouts, in schools or as ministers.

To go back to the United Church of Canada again, it is not prepared to deal and has not dealt with whether homosexuals can be ordained into the United Church of Canada, and it will not do so—they are studying it—until the council meets in 1988.

Most of the 40 per cent of the ministers who felt that, for many other reasons some were in favour of this legislation, like the member for Brantford (Mr. Gillies) have said they felt this would be in two sections, one of which would isolate homosexuals from young people who still could be influenced by those people. I was telling them that this really was not the case, and then they said to me, "Why do you not bring through an amendment that would put it into two sections?" They have no problem, once a person comes of age, for that person to make up his or her mind about whether to become a homosexual or a lesbian or to be influenced by a person to go that way, but in no way does the majority of that 40 per cent ever want them in a place of influence.

When I heard the member for Cochrane South read some of letters last Thursday and quote what my friend the current Minister of Agriculture and Food (Mr. Riddell) had said when he was a back-bencher sitting on this side as Agriculture and Food critic, some of the things he said at that time are very much the way I feel today.

I thought, "Gosh, that is me." I have no hangups with their having rights when it comes to accommodation or when people are old enough to make up their own minds. I believe this is what the member for Cochrane South read into the record and the letters he had and going back to the Hansards of what the Minister of Agriculture and Food had said.

Before this debate ends, I hope the Minister of Agriculture and Food will come in and share with the rest of us what changed his mind. I sincerely hope he is not doing it against his conscience in order to remain in cabinet. I am really pleased that on this side of the House our leader and our caucus decided to have a free vote and to let our conscience be our guide. The Treasurer is smiling—

**Hon. Mr. Nixon:** I always smile when I look at you.

**Mr. Wiseman:** I hope one who carries so much influence over there and runs the whole



government practically by himself will allow that to happen whenever this vote takes place.

**16:50**

There are two examples I would like to put on the record today that scare the dickens out of me. One of them happened some time ago, but the court case was last week in Lanark county. We had a man who admitted to abusing two young boys sexually and he was given only three years' suspended sentence because of the youths' ages.

The papers are checking this out, because usually if it is someone other than a member of the family—if it is a member of the family, they usually do not give out that information. I am sure with a suspended sentence most of us know that means a slap on the wrist. I spoke to the Attorney General and he is going to check into this further, but I think all members of this Legislature will agree that three years' suspended sentence for something like that is not very much of a deterrent. It certainly does not send a signal out there that we will not tolerate this sort of action.

I said to two or three people I spoke to this afternoon that if it had been two little girls who were molested by a man, that person would have got a penitentiary sentence. I am sure that something will happen with those two young boys. They will have to live with that and perhaps even have some psychiatric treatment to straighten them out in the future.

**Mr. Martel:** You have not been reading the same material I have. They have not even charged him.

**Mr. Wiseman:** Yes. The second example I have is an example of just what I have said. This concerns a lady, a mature woman now. In her own household, her mother's best friend, a lady, a good churchgoer, the whole bit, molested her as a young person. Her mother would not believe her. She is now married, but has had psychiatric treatment since that. She says it was about 20 years before she got her mind straightened out.

In the case of the two little boys, it is going to take a long time. A slap on the wrist is not enough for that person, when he admitted to it. He will walk away free. The people out in society do not even know who he is, but those kids, in their minds, will.

My parents, like most parents of members of this Legislature, brought us up and instilled certain morals in us four boys and one girl. I hope I have instilled the same morals into my two boys and one girl and that they have into my grandchildren. I have certain religious beliefs. I am United Church and I have certain beliefs that

do not coincide with the leaders of that church, the four or five people, but do coincide with the majority of the people within my church. I feel I have been influenced by the people I represent to vote the way I will, which happens to agree with my feelings on this matter.

If the government of the day wanted to bring through something that I believe could be supported by the majority of the people, if the bill was broken down so that it said there should be no discrimination against people in terms of accommodation and employment, unless they were in a place of influence where they could influence young people to their way of thinking, I think we would not go through all of this and there would probably be a majority of people who would vote for it.

If what I hear is right, a couple of the members opposite may break ranks in the New Democratic Party. I understand from the people across the floor that there are quite a few government members wrestling with their consciences. I hope the Treasurer, who is smiling again, will talk to the Premier and let members vote according to their conscience whenever this vote takes place. Maybe if it is voted down, they will bring it back in a form similar to what I mentioned.

**Mr. Shymko:** I am very pleased to participate in one of the most important debates we have had in this Legislature for many years. The importance of this debate is not because of the conceptions or misconceptions that surround the issue, but fundamentally because, at least in the years that I have been a member of this Legislature, I do not recall—and I sit on the standing committee on regulations and private bills where issues such as line fencing are discussed, where various minor pieces of legislation are introduced and we allow for witnesses, we allow for members of the public, be it from the region where the bill may be affecting them, be it from any part of the province where a major piece of legislation may be impacting, to appear democratically, equally in the process of legislation and the legislative parliamentary process we have in place—obstacles having been put or a bill being introduced in such a way that not one individual, not one institution, not one organization in the 10 million or so population of Ontario has been prevented from attending and having an input in the legislative process that we carry and follow as lawmakers.

In this case, not one citizen out of the 10 million or so citizens of Ontario has been allowed to appear before the committee to express his



viewpoint on one side of the issue or the other. We refer to many religious institutions from which we have all received letters, but no one institution has appeared before this committee. This is what troubles me and that is specifically the issue I would like to address.

I recall last weekend speaking to a reporter from one of the three papers. We were discussing Bill 7 and he said: "If I were to be asked now: 'What is your position on Bill 7 and section 18? Would you support it or would you oppose it?' frankly, I could not make a decision. I am not ready to make such a decision. I need time to think. I would like to consult. I would like to hear the two sides of the issue and various points of view, so that I am clear as to the impact of this before I make a decision."

I was elected, as all of us were, with the impression that we would be responsible lawmakers, that in making decisions or taking stands or having views which verge on moral issues we have to be very careful if we are responsible lawmakers that the decisions and the positions we take have gone through a process. It is not by accident that the parliamentary system of government allows for public input. It is an educative process. I have learned a great deal in the few years I have been privileged to serve as a member of the Ontario Legislature. This has been an educative process to me individually, as I am sure it has been for every member. It is also an educative process that in the processing of laws, particularly progressive changes, we educate our own citizens.

However, the educational system or the educational process cannot be done in a unilateral, subversive, dubious way. It has to be done openly. By doing it differently, we victimize further those we want to help. The issue is not whether one supports or opposes the five subsections in section 18 or whether one supports or opposes the inclusion of sexual orientation in an omnibus bill, a housekeeping bill which, when the Attorney General introduced it, did not even have this section in it. There were no subsections 18(1) to (5) when the Attorney General in his wisdom and his cabinet colleagues introduced the bill.

**17:00**

The bill went through first reading. It went through second reading and went into a committee where, as I understand from the chairman of that committee, at the clause-by-clause stage of deliberation, a member of this Legislature introduced an amendment and a clause. Because of the procedure and the moment at which this

amendment was introduced, there was no way for public input. That is my concern. I understand people, witnesses and organizations, appeared before the committee on such issues as adult-only buildings. Many appeared and presented their views on sections that dealt with this area.

I have not followed the minutes of the standing committee, but I understand there have been witnesses and presentations from citizens and groups on other parts of the bill, trying to impress on us as lawmakers their views, trying to educate us on the position we would take, but not one single individual, not one organization, not one institution out of the 10 million people in this province appeared on an issue which, we all admit, is so difficult.

**Ms. Gigantes:** On a point of privilege, Mr. Chairman: The member has indicated that he has not read Hansard. He might have checked with other members of his caucus to know that we received many delegations and individuals on this question.

**Mr. Chairman:** That is not an appropriate point of privilege.

**Mr. Shymko:** My understanding from the chairman is that this was not so. There were no public hearings on this issue, which is just as sensitive as the issue of continued funding to the separate school boards, an issue that polarized society, an issue that was very sensitive. There were full hearings. It was demanded by all parties, particularly the New Democratic Party and the Liberal Party, that we should not skip the fundamental stage of public hearings on an issue that was divisive. Yet for some reason on this issue the New Democratic Party has objections.

Interjections.

**Mr. Chairman:** Order. The member for High Park-Swansea has the floor. Will the members please keep their interjections down?

**Mr. Shymko:** Notwithstanding the remarks from my colleagues to the left, whose party's name is the New Democratic Party, the issue here is democracy. I would like to address the issue of democracy. When we speak of a government of the people, by the people and for the people, by circumventing the democratic process of public input, we are making a total sham of this. We are ridiculing that entire aspect. No public input has been allowed. There were no hearings on this.

I recall, as chairman of the standing committee on social development, when we introduced—

**Mr. Martel:** On a point of order, Mr. Chairman: You ruled my colleague out of order

but perhaps you can help me. Since there were hearings, and since presentations were made on this, will you ask the member to clarify the record, read it, or will you clarify the record?

**Mr. Chairman:** That is not a point of order.

**Mr. Martel:** It certainly is. He is getting up and saying things that are inaccurate.

**Mr. Chairman:** That is not a point of order.

**Mr. Martel:** Perhaps the Chairman should tell me what we do when we sit here and know that hearings were held on this item, and my friend continues to say that is not the case.

**Mr. Chairman:** Order. What you do is wait your turn to speak next and then put your position.

**Mr. Martel:** I am just asking you to clarify what I do.

**Mr. Chairman:** Order. You can speak on this in committee of the whole House.

Interjections.

**Mr. Martel:** Will you tell the jackals to be quiet so I can hear you? I cannot hear your answer for the jackals.

**Mr. Chairman:** The answer is that you can speak in your turn following the member for High Park-Swansea.

**Mr. Martel:** Oh, you are telling me that it is okay to get up here—

**The Deputy Chairman:** Order. This point of order is at an end.

**Mr. Shymko:** I would like the honourable member to quote me the date of the Ontario Gazette advertising public hearings. I do not recall any. If the member wants to—

**Mr. Martel:** That is not what he said. He is playing games again. If he wants to play this game, I can play it too. That is not what—

**The Deputy Chairman:** Order. The member for Sudbury East will be seated.

**Mr. Shymko:** I was privileged to serve as chairman of the standing committee on social development. Many of my honourable colleagues on the left recall the major changes in family law and how they affected families. The impact it has on families is being mentioned in the debate on whatever side. I am still very confused whether it is true information or disinformation on the breakup of families.

When we made fundamental and very important changes in the area of family law, the government introduced a draft bill that had been discussed for a year to two years. After the draft bill, the final bill was introduced by Bob Elgie,

who was Minister of Community and Social Services at the time. That bill went through hearings before committee for almost a year and a half to two years. We travelled throughout the entire province. We listened to public input because of the wisdom we cherish in this House that there is some intelligence outside these walls. It is shameful to imply that someone who stands up for public input and public hearings is in any way being derogatory of the citizens of Ontario.

I spoke about an example, an issue of family law. There have been many issues. The completion of funding to the Catholic school system is another example. Our citizens are concerned that there must be public input on issues that are divisive or that are perceived to be divisive, on issues that are emotional. I do not have to convince my colleagues of all parties of the emotional nature of this bill in an area such as my riding, where last summer a homosexual individual was murdered in High Park by a group of young men who went on a gay-bashing spree. There is no way we can condone that horrendous crime. It may have some relationship, as I am convinced, to societal values. I believe that in gay-bashing, that horrendous crime, the actions of those individuals in some way reflect societal attitudes. We cannot sit back and say that is not true.

On the other hand, there is a substantial Portuguese community—

**Mr. D. S. Cooke:** What do you do? Give the speech and mail it to one side and then to the other side?

**Mr. Shymko:** I do not have to listen to these cynical remarks from the honourable member. I do not interrupt nor would I interrupt when he was speaking. I ask you, Mr. Chairman, to request my colleagues on the left to refrain from continually interrupting my remarks.

On the other side of the emotional issue, I have inherited and have a very substantial Portuguese community in my riding that to this day talks about little Emanuel, the shoeshine boy. That was another horrendous crime committed, where emotions are boiling on the other side of the issue.

**17:10**

Some years ago I recall the issue of two lesbians who had an apartment in an Ontario Housing Corp. complex. One of the parents was a divorced individual with a five-year old girl. These women were evicted on the basis that this was not a proper family environment in which to raise a little girl. I objected to this because if



members visit the Hospital for Sick Children, they will see cases of horrifying physical and other abuse of children who do not come from homosexual families. Almost 100 per cent of these children come from heterosexual family environments.

I do not buy arguments one way or the other. The issue is emotional. The issue impacts. I cannot accept the lobbying efforts on any side. As a Catholic, I am disturbed when I receive lobbying letters from the Ontario Conference of Catholic Bishops, which tell me that as a Catholic I should not vote in support of this bill, perhaps threatening me with the fires of purgatory; I do not know.

I am equally and adamantly opposed to the lobbying efforts and to remarks in this Legislature that because I may take another stand, I am cold-blooded, insensitive and bigoted and am discriminating against individuals, as colleagues on this side of the House have been accused of insensitivity, discrimination and bigotry. That is not the case.

I would like to quote some remarks made by the Honourable John Crosbie on June 8, 1985, in a speech to the Canadian Cerebral Palsy Association. Members have all received copies of it. It bears today's date, December 1. It refers to some of the concerns of removing barriers to equal opportunity for disabled people in Bill 7.

The part I would like to read—and the Attorney General (Mr. Scott) is here—is the following: "Barriers that exist in society do not exist because of ill will or an intention to discriminate, but because of ignorance."

I refer to the educational process I would like to be subjected to by listening to the intelligent input of people on one side or the other side of this issue on subsections 18(1) to (5). That is my concern. I am sure this concern unites all of us, because subversion of democracy and subversion of a public process—and the public process is being circumvented in a dubious way—will not help anyone.

I refuse to be an accomplice to any shameful abrogation or subversion of that democratic process which we have applied to other major issues affecting our society. Rejecting the right to equal access to law or to the process of law is fundamentally wrong. This is what we are doing by not allowing for public hearings. It may take four or five more months, but the only proper approach is to educate ourselves and to educate society. Indeed, vehement, tragic discrimination results in such horrifying crimes as the one that was committed in my riding, in the victimization

of a homosexual individual, who was murdered, or in the victimization of little Emanuel, who was butchered in a horrifying way on the other side of the issue.

We cannot allow for not going through the public hearing process. Public access, public input and public consultation are fundamental principles of the democratic parliamentary system in which we operate. As I recall the remarks made by the member for Oriole (Ms. Caplan), she said the purpose of this bill is to give human rights to all. I support human rights for all, but to entrench human rights for all by a process that tramples the human rights of all will, in my opinion, result in the abrogation of both. It will deny both. It will be mockery of both humans rights and democratic rights. It will not help but will further victimize those we supposedly want to help.

The Attorney General may be watching this debate on the television monitors. I would like him to listen to a letter from one of his constituents which refers to this very issue. It is signed by Rita Hogg of 22 Woodland Avenue East, apartment 503. It is addressed to the Attorney General, and she says:

"It is a pretty sad commentary on our democratic process when an issue certain to have far-reaching and disastrous effects is pushed through a private member's amendment at the clause-by-clause stage in committee without any allowance for the customary forum for public debate."

Her last sentence is something I do not agree with totally. She says, "The forces of evil do indeed attempt to win by stealth and covert acts."

She is a little strong on the forces of evil because I do not think anyone has any evil intents—absolutely not. It is certainly reminiscent of the remarks of the member for Brampton (Mr. Callahan), who says we must help gays just as we help criminals and alcoholics. I find it insulting that the member for Brampton, who supports Bill 7, categorizes those of that sexual orientation as being similar to criminals and alcoholics. I certainly object to that, as I am sure the members to the left do.

Her sentence that this is done by stealth and covert acts is the impression out there.

**Ms. Gigantes:** Do not report that; that is not true.

**Mr. Shymko:** It is not my view. That is exactly the perception of our citizens, that it is being done in a dubious way.

**Mr. Chairman:** Order. Address the chair.



**Mr. Shymko:** This is what we are trying to correct.

I refuse to vote on a major issue without the views of my constituents being expressed. This week my constituents will be receiving my Queen's Park report where there is a questionnaire and the question is addressed, "What are your views on this issue?"

Some members are fortunate to have received an answer; I have not. As a responsible member of the Legislature, it is only fair that I try to obtain the opinions of my constituents. There is nothing wrong in making that request. All of us do it on various stages and on various topics before us in this Legislature.

I also feel I should hear the views of other religious denominations, not only of my faith. In my riding, I have the only mosque in Metropolitan Toronto. I would like to hear the views of the Islamic faith. I would like to hear the views of those of the Jewish faith and the United Church. One of my colleagues says the letters from the hierarchy do not reflect the views of the faithful. There are many questions that have to be addressed.

There are issues that have not been answered in terms of questions that were raised in the debate, namely, the implication it may have on the voluntary sector. I have not heard an answer, but I would like to hear an answer on the issue of the impact and whether this will not be binding in terms of the voluntary sector.

I am discriminated against; because of my heterosexual sexual orientation, I am prevented from being a counsellor to Girl Guides or to Big Sisters. I am discriminated against, as those of my orientation are. I would like to know whether those of the homosexual orientation will be discriminated against as well. These are valid questions. They have not been answered.

**17:20**

In 1981, we introduced amendments to the Human Rights Code. Members will recall that we went through public hearings. We were fair and square. I recall the Honourable Bob Elgie's home being picketed day after day during the election by people who had strong and violent views and who objected to some of the progressive changes being introduced in that bill, but we went ahead fair and square. We did not hide. We went through public hearings because that is the way we help people. That is the way we educate society and educate ourselves in the process.

We should not be hiding, because if individuals and groups in our society had to be secretive and had to hide, we could not rectify this by

passing a legislative bill or an amendment in another hidden, dubious way. Why should we hide? Let us make it open. Let us allow for a few weeks of public hearings as we have done on other major issues and let us not victimize those we are supposed to help.

Reference has been made to Quebec. I remind honourable colleagues to my left that when a similar bill and changes were introduced in Quebec, they went through the formal, normal legislative process of public hearings. Why are we afraid to follow the same route, as we have done on other major bills and major legislation? We do not do it by stealth. We do not shove these things through. The government does not help by doing it this way. I will not be a partner to a subversion of that democratic, fundamental process by refusing and shutting out people from participating in the formulation of law in this province.

In 1984-85, we were criticized for the process adopted in completion of Catholic school funding. This criticism was levelled, particularly by the Liberal Party and the New Democratic Party, and justly so. In all fairness, I must say that of the three parties in this Legislature, the NDP—I am sure my colleagues will not hesitate to correct me if I am wrong—is the only party that adopted a policy position on this issue at its party convention.

**Mr. Wildman:** We are the only party that has a policy on anything.

**Mr. Shymko:** Am I correct?

I assumed that at the party convention the NDP members had voted on a position. I know they did it on the abortion issue. I do not recall my party adopting a position on this in Hamilton. I do not recall the Liberal Party having a position. Talk about grass roots. We pride ourselves that we want grass-roots input. There has not been any. That also bothers me. If I cannot consult my party, let me at least consult the people in my riding. I understand we will be voting on a free choice.

I would like to conclude by referring to today's editorial in the *Globe and Mail*, which says "after years of hiding it for fear of discrimination, who would be the poorer?" We will be poorer if the way of resolving it is by hiding, by stealth, by dubious ways, not allowing for full public hearings.

The editorial also speaks of the "right to expect the same public treatment as everybody else. Denying a minority that right does not enhance 'traditional moral values'; it mocks them. It

diminishes our legislators and, through them, ourselves."

If we circumvent democracy, that is precisely what we are doing. We are not giving equal public treatment to the issue. We are denying the democratic right of our citizens to participate in the formulation and passage of law. We are denying that right and we are hurting moral values. We are making a mockery of democracy. We are diminishing ourselves as legislators and, through us, the people.

I refuse. I will boycott it. I will not pretend that I am sick, but I will not be here to vote on subsections 18(1) to (5). I refuse to participate in this mockery of democracy. I am proud to say our caucus critic, the member for Oakville (Mr. O'Connor), will also join me in boycotting it. I urge members to boycott the vote on section 18. The only way this should be passed is after full public hearings.

On third reading I will be introducing an amendment, a motion for partial recommitment of the bill. I hope I will have the support of all honourable members when I move that subsections 18(1) to (5), inclusive, be recommitted to the standing committee on administration of justice. That partial recommitment is not procedurally wrong. According to the information I have received from the table, it is procedurally correct.

Therefore, I appeal to the Attorney General and in particular to my colleagues in the Liberal Party and in the New Democratic Party not to subvert a fundamental right of our people, and that is the right to educate us, so that we may educate ourselves in the process, and to provide input into major legislation that is divisive, is misunderstood and may be the subject of a lot of misconceptions. Unless we do this, we will victimize those who, we are told, are victimized by the status quo.

I have received a letter from a constituent. It may be a little partisan. I hate to be partisan. My honourable colleagues know I rarely am partisan in debates on major issues. I will quote from a letter that was brought to my home this weekend. It says:

"Why is it that this legislation is being introduced? After all contentions for and against have been taken up, the bottom line is that they," meaning the government, "think that, on balance, they will be given credit and votes for it not only from the homosexual community but also from the general public.

"What they are really doing," says the author of this letter, "they are putting certain beliefs and

practices at par with other concepts such as freedom of speech. In so doing, they are subverting one of the fundamental beliefs of the majority of this society, namely, public input."

He concludes by saying: "They," the government, "were not given a mandate to do this. If they are aware of the underhandedness of what they are doing, they are despicable scoundrels." I would never use this word.

He continues: "If not so aware, they are befuddled and besotted. In either case, they are unfit to hold public office and should be voted out."

I do not know whether this is a member of the New Democratic Party or a Liberal elector, but these are very strong feelings. On the basis of this, one obtains such letters from constituents.

Mr. Chairman, I urge you to allow input from all members of the Legislature on this issue because, as I said earlier, to entrench human rights for all by trampling on the democratic rights of all will result in the abrogation, the denial and the mockery of both.

**Mr. Mackenzie:** I do not intend to be long on this, but it is difficult to refrain from taking part in this debate when I hear some of the comments I have heard during the last few days. It is rather sad to hear the way some of the members try to squirm around, coming down on both sides of the issue while making it clear one is not going to catch them voting for an amendment such as this. It is really difficult.

I do not think I have ever quoted one columnist who has been around this House for a long time, and I am talking here about Rosemary Speirs. I think two or three of the points she makes are very well taken.

**17:30**

I am a little disturbed at where some of the so-called Christian compassion and charity are on this issue when we listen to some of the speeches that have been made in this House. I would not mind if they were dealing with truths. However, many of the members are dealing with the propaganda and the nontruth that has been put forward here.

I want the members to my right to know I do not have any difficulty at all in standing up and saying that on this issue there is no question whatsoever where my vote goes. I think the issue is one of simple justice, one of discrimination, because I have experienced it in cases I have handled in my own constituency office, and I do not think it is one that is going to promote all of the terrible things some of the members are using here as examples.



I guess what bothers me most of all is what appears to be the deliberate use of the horror or shock words and comments such as "stealth" and "perversion" and "covert acts." I have never heard such nonsense in all my bloody life as I have heard in this House over the last few days.

I respect somebody who has a real moral dilemma on the issue. I think I can accept that. I had to wrestle with it a little myself. However, I sure as blazes cannot respect those—and I have heard a number of them in this House—whose view is not based on anything that I can see is a real moral value or consideration but is based on—I am trying not to use the word "bigotry" but I can certainly use the words "fear" and "fear of themselves," I can certainly use the word "hate" and I can certainly use the words "deliberate misrepresentation." Either that or people just simply do not understand what is going on.

I think two or three of the comments are worth underlining. I have never heard anything so ridiculous in my life as equating Quebec's ban on discrimination against homosexuals with the fall in Quebec's provincial birth rate, or the Realwomen of Canada pamphlet that falsely says many people will be hurt: athletic associations, schools, day care centres, boys' clubs, parents of schoolchildren. The pamphlet raises fears by warning that because of acquired immune deficiency syndrome, homosexuals have become a medical threat to the population at large. What are we going to do with AIDS patients? Are we going to decide they cannot even be treated? Are we going to isolate them totally from society? I do not think that is a very Christian or charitable way of doing things.

Other comments were that homosexuality embodies sadomasochism, bestiality and other perversions and that the new legislation will make homosexual recruitment of the young permissible and acceptable. Can anybody really, honestly and truly believe that is what this bill is all about? Surely to goodness and mercy that cannot be the honest belief of some of the members who have been parroting these kind of words.

There were comments that the bill would lead to legalization of homosexual marriage and permission for homosexuals to adopt children. That is not what the bill says. That may happen in the normal course of events or it may not, but it is certainly not what this bill says.

There was a comment that if homosexuals believe their sexual orientation is a private matter and not for public censure, they should not conduct their business in public washrooms. I

found that one of the most despicable comments I have heard made here, because that is not the intent of the bill or what the bill is all about, either.

This bill simply says that in terms of housing and in terms of jobs we cannot discriminate against a person because of sexual orientation any more than we can because of colour, religion or creed. If we do not see that, then there are some people in this House who are extremely shortsighted and some people who, with their use of shock words, are fanning the very embers of discrimination in this province.

What has happened in this House over the past two or three days is one of the saddest episodes I have seen in almost 12 years in this Legislature. I would ask the members to look into their own hearts and souls for a few minutes and ask themselves just what is Christian charity and compassion and how what they are saying puts them on side with that kind of view of society generally.

I will be proud to stand in this House and vote for this amendment because I think it is simply a case of justice, fairness, equality and nondiscrimination. I do not think it is any more than that and I cannot understand the views of some of the members of this House.

**Ms. Fish:** I rise today to join this debate to speak as strongly as I possibly can on behalf of this amendment. I intend to stand in my place when the vote comes and proudly and firmly support this amendment. I would like to take a few moments to review the reasons for my position.

This amendment and all the amendments over the years from the date of the first passage of a Human Rights Code in Ontario have had one single stream in common, and that is a statement that is being made about our society.

In my view, the statements we as legislators will make this time will be clear, as the statements of legislators who preceded us in speaking to previous amendments to the Human Rights Code and its predecessor acts were clear. These are perhaps best illustrated in a couple of quotes.

My first quote is from George Drew, who in 1944 spoke in the debate on the Racial Discrimination Act. His statement is as germane today as when he first uttered it: "We have a very simple choice to make. When we say that Canada is a land of freedom and of equality, we either mean what we say or we do not."

More recently, on February 22, 1962, in the introduction to the Human Rights Code Act,



John P. Robarts said: "If you deprive any particular group of people of the ordinary rights enjoyed by all other people, then those who should be most indignant are not the people against whom the discrimination is practised, but rather those whose basic principles of justice and equality have been insulted."

Those quotes set out very properly and completely my view of what is before us in this amendment to this act. I stand outraged, not as someone who has been on the receiving end of discrimination by virtue of sexual orientation, but as someone with a commitment to basic equality and justice in our society and its principles who has found those principles badly offended by the discrimination we have permitted to occur within this great province over the years when this amendment was not brought forward.

This amendment does nothing more than advance a simple and clear notion of Ontario's society. It is a society where people are dealt with on their merits, not on the basis of any other characteristic, most particularly in the limited areas of which we speak in this amendment: housing, employment and public services.

A number of speakers in the debate thus far have quoted some constituent correspondence. I would like to take a moment to quote two passages from among the 2,500 letters that have come to my office on this subject.

My first brief quote: "Our eldest daughter is a lesbian. The passage of Bill 7 does not have anything to do with promoting homosexuality. Homosexuality cannot be promoted. Either you are a homosexual person or you are not. There is no choice involved. But Bill 7 would ensure that my daughter or her friends could not be fired or lose a residence because of the bigoted actions of a landlord or employer. Presently, they have no legal recourse under the law, which leaves them very vulnerable."

Or a second quote from a constituent letter: "We are shockingly aware of the serious abuse and violence directed against the homosexual community. Ontario alone documents two deaths attributable to homophobic violence within the last year. Those who have spoken out against Bill 7 seem totally unaware that the victims of this abuse are our sons, daughters and friends. They deserve the same equality under the law as everyone else."

That is precisely the point: They deserve the same equality under the law as everyone else, but they do not now possess it.

17:40

I would like to deal specifically with some of the allegations that have been advanced as consequences that may flow from these amendments to the act, if adopted. I believe these allegations are groundless.

The first is precisely that on which I have already touched. It is an allegation of special status. There is no special status involved here. There is the extension of a fundamental protection in human rights to a group in our society which has lacked that protection since the very earliest forerunners of the Human Rights Code, and indeed the current act, were put in place.

There is no more special status here than there was in the earliest legislation. The issues of race and religion were acknowledged in some of the earliest antidiscriminatory legislation adopted by our predecessors in this very chamber. Nor is there any more special status afforded here than was afforded in the most recent round of amendments in 1981, also to Bill 7, by the way, when amendments were made to recognize mental and physical handicaps and marital status, among other things.

There was no special status afforded, merely a recognition that, as our society has grown and changed, the areas of discrimination have also grown and changed. Our knowledge and awareness that it is wrong and our appreciation of the inappropriateness of discrimination directed against individual groups within our society have also come to the fore. We have moved steadily during some 40 years to identify areas of discrimination, to identify minority groups who have suffered from discrimination and to correct and amend that, at the very least in the most minimal possible form, in housing, employment and public services.

Let me deal with the suggestion that this amendment somehow takes us into an area we have not been in before, because it takes us into an area of choice. I could stand here and talk about the myriad studies that have been done. I recall the eloquent presentation of Peter Maloney when he came before the standing committee on resources development in 1981 with a compelling presentation on medical analysis of the degree to which choice is absent in the question of sexual orientation.

For those who would not accept that analysis, rather than engage in an argument of whether there is choice, I believe there is not. I believe sexual orientation is set very early and is set within the individual, not by one's environment. Let me simply say the issues of choice are already

covered in the code. Religion is a question of choice, marital status is a question of choice, and today, with medical advances, gender is a matter of choice. Even if one were to argue that for the first time there is a question of choice coming before the code, I would suggest there was not. We have long contained within the code, from the very first days of its being adopted, protection for things that are choices. It is not new. The issue of choice or nonchoice is not therefore, in my opinion, a basis to rule for or against this amendment.

We have had the suggestion that there will be a complication for those who are forced to hire gay men and women in our society. I well recall the oft-repeated concern of groups such as Big Brothers. That has been dealt with extensively. I will repeat it briefly. The code does not purport to cover volunteers and the selection of volunteers.

More to the point, even if we are talking about hiring for a full-time job within a particular sectarian school as an argument, for example, the code has similarly contained within it the opportunities for those who wish to be exempt to come forward to the commission with grounds for exemption and to make their case known. That has been used for exemptions, for example, in certain religious areas. Therefore, those who feel there will be an intrusion into their areas of, for example, religious value will clearly be in a position to come forward and utilize the sections now available to give consideration to exemption. I therefore consider the argument on being forced to hire to be facetious at best.

We then deal with a similar area that is awfully close to the argument on being forced to hire. It is what I consider to be an excessive misdirection in dealing with certain facts and drawing certain conclusions. I note the extraordinary conclusion drawn by the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) in suggesting that within Quebec there was a causal relationship between the adoption of a similar section to its human rights legislation and a subsequent decline in the birth rate. The purported linking of the two facts would be so incredible as to be humorous were it not dealing with the future, lives and conditions of men and women in our society and being used to argue a position to advance continued discrimination against them.

That is closely followed—and there is a real one-two race here for first prize—by the member for Erie (Mr. Haggerty) who, in reading another section of the code, stated:

"I refer members to the Human Rights Code, chapter 53, 1981, and the definition of 'harass-

ment because of sex in accommodation.' I want to read this into the record: 'Every person who occupies accommodation has a right to freedom from harassment because of sex by the landlord or agent of the landlord or by an occupant of the same building. I interpret that to mean the landlord is the one who is creating the sex problem; that he is having sex with a tenant, you might say.'

That is an incredible misdirection of conclusion based on the fact of what is written in the code. I suspect that the average person listening to those two arguments might conclude that the logical extension of the concerns of the member for Erie, if the same logic is applied as that which was applied by the member for Stormont, Dundas and Glengarry, is that following the amendments to the Human Rights Code that were brought in some years ago and that were quoted by the member for Erie, there was a dramatic plummeting in the sale price of apartment buildings as landlords were apparently no longer able to engage in sex with their tenants.

**17:50**

Let me turn to family values. We have heard a great deal about family values in the course of this debate. Most of what we have heard has suggested that this amendment would constitute a fundamental assault and attack upon the family values that, I believe, everyone in this chamber cherishes and that are important to people throughout this province.

I will speak for a moment about family values and what they mean for me. For me, family values mean living within an atmosphere that is loving, tolerant and understanding of the foibles of one's mate and that has a genuine concern, care and treasuring for those generations before us—our parents—and for those generations that follow us—our children if we are individually blessed with them, or, more broadly, the children of the family of our society of Ontario, in whose interest we all put priority whether they are of our own flesh and blood or whether they are the children of our friends, our neighbours, our sisters, brothers and cousins.

The true betrayals of family values, in my view, are the betrayal of wife abuse, the betrayal of child abuse and the betrayal of family breakdowns that lead to poverty and to an inability of one part of the family to carry on. Anything that has the opportunity of permitting people within our society to live with dignity, to live with understanding and to take the greatest part in participation in our society has the effect, in my view, of enhancing family values, not only



within a reflection upon the individual family but within that broader family we call Ontario society.

The discussion about an assault on family values has too often in this debate been linked directly to another area of purported result should the amendment proceed. I speak to the suggestion that the amendment would somehow override the Criminal Code and allow or encourage bestiality and paedophilia. This is misdirection. On the basis of the facts, this code cannot now, will not after this amendment and never has taken the place of the Criminal Code of this country. I cannot conceive how anyone with a modicum of understanding of our system of justice could stand before us and suggest that somehow it could. It cannot.

By the way, the overwhelming majority of those who abuse children sexually, who engage in paedophilia, are not from within the ranks of the gay men and women of our society. The overwhelming majority are heterosexual men abusing young girls. I have not noticed a concern that somehow our Human Rights Code or the standards in our society have been linked to an enhancement of paedophilia and child molestation on the part of heterosexual men against young girls.

There is also the suggestion that sado-masochism and bondage will result. Why do those who make that allegation not have a word or two with our police forces in this country? They will rapidly find out that the overwhelming majority of the material that is so offensive and exploitive and that deals so explicitly with sado-masochism and bondage is directed against women and for the consumption of the heterosexual men within our society. Let members reflect for a moment on that.

Then, of course, there is the suggestion that this amendment would somehow advance homosexual marriage or adoption. Just as the code cannot change the Criminal Code of this land, the Human Rights Code cannot in itself change the other independent acts of this Legislature, most particularly the acts that deal with these and other similar questions. It just is not so.

Perhaps the saddest for me in all of the debate has been the argument advanced by the Ontario Conference of Catholic Bishops; the saddest because it is a church that has itself been the subject of discrimination within this province, that has been in a minority position and understood the rough justice that can result, that understands the changes of a society over time and a church and a conference that a few short

years ago cited and identified the particular problems that flowed from the discrimination against gay men and women in our province. Reflect for a moment on what the bishops have said, and I quote:

"The bishops support basic human rights for all members of society including those with a homosexual orientation. However, the church and the Judaeo-Christian tradition carefully distinguish between homosexual orientation and homosexual behaviour. For the church, a homosexual behaviour or lifestyle is contrary to Christian morality and any law that will leave the door open to such a lifestyle will cause great harm to society."

What would the conference of bishops have us do? What are they really saying to us? Re-enter the bedrooms of this province and the nation? What sophistry is found in that distinction between orientation and practice and where is that much-vaunted Christian charity that the church has stood for over time, presents itself as standing for today, but gives the lie to in this October decision of the conference of bishops? If it were not such a deadly attack on an attempt to provide some human basic rights for a minority within our society it would be laughable.

I thought to myself, what would they have us do? I said: "I have it. I know what they want. Picture this: a gay man or woman goes up to a landlord to rent an apartment and the landlord apparently would have us ask, in the round tones of another fine Roman Catholic of American extraction some 33 years ago, 'Are you now or have you ever been a practising homosexual?'"

How ridiculous, how damning, how dangerous, how mean-spirited, how nasty, how betraying of genuine charity, compassion, tolerance and understanding. I will have no part of an introduction of McCarthyism into this society. I will have no truck with those who deliberately misdirect conclusions based on facts and I will proudly stand in my place to support this amendment and this bill.

On motion by Hon. Mr. Nixon, the committee of the whole House reported progress.

#### NOTICE OF DISSATISFACTION

**Mr. Speaker:** I would like to inform the members that pursuant to standing order 30 the member for Carleton-Grenville (Mr. Sterling) has given notice of his dissatisfaction with the answer to his question given by the Attorney General (Mr. Scott). This matter will be debated at 6 p.m. on Tuesday evening, December 2.

The House adjourned at 6 p.m.



## APPENDIX A

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## CO-OPERATIVE EDUCATION

**383. Mr. Davis:** Would the Minister of Education provide a complete list outlining the number of grade 12 students enrolled in co-operative education programs in each school board across the province during 1985-86, the number of schools participating in co-operative education programs in each school board and the cost of these programs per student for each school board and school? [Tabled October 14, 1986]

See sessional paper 259.

## SMOKING IN THE WORK PLACE

**402. Mr. Sterling:** Would the Minister of Health provide documentation indicating the government's policy on smoking tobacco in provincially run health care institutions? [Tabled October 21, 1986]

**Hon. Mr. Elston:** Each of the 10 provincial psychiatric hospitals has a smoking policy which designates limited smoking areas for those patients, visitors and staff who wish to smoke.

## PUBLICATION COSTS

**413. Mr. McCague:** Would the acting Chairman of Management Board of Cabinet provide all documentation indicating how much it costs to calculate the cost of the answer to question 315? [Tabled October 28, 1986]

**414. Mr. McCague:** Would the acting Chairman of Management Board of Cabinet provide all documentation substantiating the claim that the answer to question 315 cost \$100,000 to compile, including the names and positions of all individuals used to compile the answer, their salaries and how many hours spent on the assignment by each individual? [Tabled October 27, 1986]

**Hon. Mr. Nixon:** The compilation of the more than 200 pages of detailed statistics tabled in response to question 315 was an expensive and time-consuming task.

The information required to answer question 315 was not readily available in Management Board secretariat files. This has meant that each of the ministries and their related agencies, boards and commissions had to be approached individually and asked to compile lists of computer-related purchases. It was necessary for

them to examine all purchases for the given 12-month period in order to locate those involving computers. In many cases this entailed the examination of individual branch records, checking with files in regional offices and local and remote purchasing offices. In fact, thousands of individual purchase orders, contracts, quotations and requests for proposals had to be examined in order to locate the relevant information. Individual line items had to be examined since many of the suppliers provide services and products other than computers to government. Both technical and management staff were involved in the assigned task.

Management Board secretariat itself spent considerable time between June and October co-ordinating the ministry responses, defining categories of input, checking the consistency and completeness. In fact, 10 members of MBS staff were involved at one time or another, for a total of about 80 person-days.

When I tabled the answer to question 315 on October 27, I stated that it cost "about \$108,000" to compile the answer. That figure was an estimate prepared by the staff of Management Board secretariat. The calculation was based on an estimated average of 15 person-days or \$2,600 for each of the 30 responses. This totalled \$78,000 for salaries, benefits and supplies. In addition, Management Board secretariat's costs include \$8,000 for computer programming and data entry costs and \$22,000 in staff salaries.

A sampling of several of the ministries indicated that this estimate is, if anything, low.

To answer these questions with the detail requested would require going back to each of the ministries and their related agencies, boards and commissions. This would be, in the government's view, a waste of taxpayers' dollars and of questionable value.

## PEAT RESOURCES STUDY

**448. Mr. Bernier:** Would the acting Minister of Northern Development and Mines advise when the study of peat resources in northern Ontario undertaken by Ian Connerty, president of Gayle Alexander Associates of Ottawa, will be completed and released to the public? Will the minister also provide details of the contract award, including number of tender submissions received, the fee requested by each tender and the

time frame allowed for the study? [Tabled October 30, 1986]

**Hon. Mr. Peterson:** The contract was awarded on the basis of a proposal received from Gayle Alexander Associates of Ottawa (president, Ian Connerty).

The proposal was reviewed by the inter-ministerial committee on peat. Representation: ministries of Energy, Environment, Natural Resources, Northern Development and Mines and Agriculture and Food. Substantially amended terms of reference were prepared.

The amendments were accepted by Gayle Alexander and a contract was signed on May 15, 1986. The contract provided for services to begin as soon as practicable after the signing of the contract and a report to be submitted three months thereafter.

The deputy minister approved the assignment cost, being satisfied that competitive tendering was not required as the cost was less than \$15,000 and Gayle Alexander Associates was fully qualified to complete the assignment.

The report was completed on September 29, 1986, to the satisfaction of the interministerial committee on peat and the Deputy Minister of Northern Development and Mines.

Final payment was released on October 24, 1986.

Copies of the report are available for public review in the offices of the Ministry of Northern Development and Mines. Arrangements are being made for public release of the report through the government bookstore.

#### INTERIM ANSWERS

**410. Mr. McCague:** Hon. Mr. Conway—The ministry requires additional time to provide the information required by this question. The answer should be available on or about December 15, 1986.

**454. Mr. Sterling:** Hon. Mr. Elston—The ministry will require additional time to obtain the information to answer this question. The answer should be tabled on or about December 4, 1986.

**457. Mr. McCague:** Hon. Mr. Nixon—The information required by these questions will take longer than the normal 14 days to prepare. The answers should be available on or about January 27, 1987.

## RESPONSES TO PETITIONS

### SALE OF BEER AND WINE

Sessional paper 186, re sale of beer and wine.

**Hon. Mr. Kwinter:** This acknowledges the petition expressing the views of the members of the Middlesex District Women's Institutes on the sale of beer and wine in independent retail food stores.

On October 16, 1986, I tabled bills that would have allowed these sales. The government's intention was to provide greater convenience for consumers within a context of adequate controls and safeguards for public health and safety. The program was also designed to encourage small business in the retail food sector and Canadian wineries and grape growers. As the petitioners may be aware, however, these bills were defeated in the Legislature following debate upon second reading.

While I understand the concerns they have expressed with respect to this issue, I believe the government's proposal represented a progressive and responsible approach to change. It was the product of broad consultation with business, labour, social and health organizations and other groups and struck a fair balance among these different interests.

### SUNDAY RACING

Sessional paper 210, re Sunday racing at Greenwood Race Track.

**Hon. Mr. Kwinter:** The rights and concerns of residents in the neighbourhood of a racetrack and in the surrounding community as they relate to the offsite parking of motor vehicles, traffic control, public transportation and noise fall under municipal jurisdiction. These matters are therefore appropriately dealt with at the municipal level. Any amendments to provincial legislation to preclude Sunday racing in particular, and Sunday amusements in general, may raise challenges under the Canadian Charter of Rights and Freedoms.

#### INTERIM RESPONSE

Sessional paper 221. Hon. Mr. Kwinter—The ministry needs more time to prepare a final response to this petition. A final answer will be tabled on or before December 18, 1986.

## APPENDIX B

## ALPHABETICAL LIST OF MEMBERS\*

(125 members)

Second Session, 33rd Parliament

**Lieutenant Governor: Hon. L. M. Alexander, PC, QC****Speaker: Hon. H. A. Edighoffer****Clerk of the House: C. L. DesRosiers**

Allen, R. (Hamilton West NDP)  
 Andrewes, P. W. (Lincoln PC)  
 Ashe, G. L. (Durham West PC)  
 Baetz, R. C. (Ottawa West PC)  
 Barlow, W. W. (Cambridge PC)  
 Bennett, C. F. (Ottawa South PC)  
 Bernier, L. (Kenora PC)  
 Bossy, M. L. (Chatham-Kent L)  
**Bradley, Hon. J. J.**, Minister of the Environment (St. Catharines L)  
 Brandt, A. S. (Sarnia PC)  
 Breaugh, M. J. (Oshawa NDP)  
 Bryden, M. H. (Beaches-Woodbine NDP)  
 Callahan, R. V. (Brampton L)  
 Caplan, Hon. E. (Oriole L)  
 Charlton, B. A. (Hamilton Mountain NDP)  
**Conway, Hon. S. G.**, Minister of Education (Renfrew North L)  
 Cooke, D. R. (Kitchener L)  
 Cooke, D. S. (Windsor-Riverside NDP)  
 Cordiano, J. (Downsview L)  
 Cousens, W. D. (York Centre PC)  
 Cureatz, S. L. (Durham East PC)  
**Curling, Hon. A.**, Minister of Housing (Scarborough North L)  
 Davis, W. C. (Scarborough Centre PC)  
 Dean, G. H. (Wentworth PC)  
**Eakins, Hon. J. F.**, Minister of Tourism and Recreation (Victoria-Haliburton L)  
**Edighoffer, Hon. H. A.**, Speaker (Perth L)  
**Elston, Hon. M. J.**, Minister of Health (Huron-Bruce L)  
 Epp, H. A. (Waterloo North L)  
 Eves, E. L. (Parry Sound PC)  
 Ferraro, R. E. (Wellington South L)  
 Fish, S. A. (St. George PC)  
 Fontaine, R. (Cochrane North L)  
 Foulds, J. F. (Port Arthur NDP)  
**Fulton, Hon. E.**, Minister of Transportation and Communications (Scarborough East L)  
 Gigantes, E. (Ottawa Centre NDP)  
 Gillies, P. A. (Brantford PC)  
 Gordon, J. K. (Sudbury PC)  
 Grande, T. (Oakwood NDP)

**Grandmaitre, Hon. B. C.**, Minister of Municipal Affairs (Ottawa East L)  
 Gregory, M. E. C. (Mississauga East PC)  
 Grier, R. A. (Lakeshore NDP)  
 Grossman, L. S. (St. Andrew-St. Patrick PC)  
 Guindon, L. B. (Cornwall PC)  
 Haggerty, R. (Erie L)  
 Harris, M. D. (Nipissing PC)  
 Hart, C. E. (York East L)  
 Hayes, P. (Essex North NDP)  
 Henderson, D. J. (Humber L)  
 Hennessy, M. (Fort William PC)  
 Jackson, C. (Burlington South PC)  
 Johnson, J. M. (Wellington-Dufferin-Peel PC)  
 Johnston, R. F. (Scarborough West NDP)  
**Kerrio, Hon. V. G.**, Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
**Keyes, Hon. K. A.**, Solicitor General and Minister of Correctional Services (Kingston and the Islands L)  
 Knight, D. S. (Halton-Burlington L)  
**Kwinter, Hon. M.**, Minister of Consumer and Commercial Relations (Wilson Heights L)  
 Lane, J. G. (Algoma-Manitoulin PC)  
 Laughren, F. (Nickel Belt NDP)  
 Leluk, N. G. (York West PC)  
 Lupusella, A. (Dovercourt NDP)  
 Mackenzie, R. W. (Hamilton East NDP)  
 Mancini, R. (Essex South L)  
 Marland, M. (Mississauga South PC)  
 Martel, E. W. (Sudbury East NDP)  
 McCaffrey, R. B. (Armourdale PC)  
 McCague, G. R. (Dufferin-Simcoe PC)  
 McClellan, R. A. (Bellwoods NDP)  
 McFadden, D. J. (Eglinton PC)  
 McGuigan, J. F. (Kent-Elgin L)  
 McKessock, R. (Grey L)  
 McLean, A. K. (Simcoe East PC)  
 McNeil, R. K. (Elgin PC)  
 Miller, F. S. (Muskoka PC)  
 Miller, G. I. (Haldimand-Norfolk L)  
 Mitchell, R. C. (Carleton PC)  
 Morin, G. E., Deputy Chairman of Committee of the Whole House (Carleton East L)  
 Morin-Strom, K. (Sault Ste. Marie NDP)



**Munro, Hon. L. O.**, Minister of Citizenship and Culture (Hamilton Centre L)

Newman, B. (Windsor-Walkerville L)

**Nixon, Hon. R. F.**, Treasurer of Ontario and Minister of Economics and Minister of Revenue (Brant-Oxford-Norfolk L)

O'Connor, T. P. (Oakville PC)

Offer, S. (Mississauga North L)

**O'Neil, Hon. H. P.**, Minister of Industry, Trade and Technology (Quinte L)

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Poirier, J. (Prescott-Russell L)

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Rae, R. K. (York South NDP)

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Reville, D. (Riverdale NDP)

Reycraft, D. R. (Middlesex L)

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**Ruprecht, Hon. T.**, Minister without Portfolio (Parkdale L)

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**Scott, Hon. I. G.**, Attorney General (St. David L)

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Smith, E. J. (London South L)

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Stephenson, B. M. (York Mills PC)

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Stevenson, K. R. (Durham-York PC)

Swart, M. L. (Welland-Thorold NDP)

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Timbrell, D. R. (Don Mills PC)

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Turner, J. M. (Peterborough PC)

**Van Horne, Hon. R. G.**, Minister without Portfolio (London North L)

Villeneuve, N. (Stormont, Dundas and Glengarry PC)

Ward, C. C. (Wentworth North L)

Warner, D. W. (Scarborough-Ellesmere NDP)

Wildman, B. (Algoma NDP)

Wiseman, D. J. (Lanark PC)

**Wrye, Hon. W. M.**, Minister of Labour (Windsor-Sandwich L)

Yakabuski, P. J. (Renfrew South PC)

### MEMBERS OF THE EXECUTIVE COUNCIL

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Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics and Minister of Revenue

Conway, Hon. S. G., Minister of Education

Bradley, Hon. J. J., Minister of the Environment

Scott, Hon. I. G., Attorney General

Riddell, Hon. J. K., Minister of Agriculture and Food

Eakins, Hon. J. F., Minister of Tourism and Recreation

Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy

O'Neil, Hon. H. P., Minister of Industry, Trade and Technology

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Wrye, Hon. W. M., Minister of Labour

Grandmaitre, Hon. B. C., Minister of Municipal Affairs

Curling, Hon. A., Minister of Housing

Fulton, Hon. E., Minister of Transportation and Communication

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Kwinter, Hon. M., Minister of Consumer and Commercial Relations

Munro, Hon. L. O., Minister of Citizenship and Culture

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development

Van Horne, Hon. R. G., Minister without Portfolio

Ruprecht, Hon. T., Minister without Portfolio

### PARLIAMENTARY ASSISTANTS

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Epp, H. A., assistant to the Treasurer (Waterloo North L)

Ferraro, R. E., assistant to the Minister of Industry, Trade and Technology (Wellington South L)

Haggerty, R., assistant to the Minister of Government Services (Erie L)

Henderson, D. J., assistant to the Minister of Community and Social Services (Humber L)

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McGuigan, J. F., assistant to the Minister of Natural Resources and the Minister of Energy (Kent-Elgin L)

McKessock, R., assistant to the Solicitor General and Minister of Correctional Services (Grey L)

Miller, Mr. G. I., assistant to the Minister of Agriculture and Food (Haldimand-Norfolk L)

Offer, S., assistant to the Minister of Consumer and Commercial Relations (Mississauga North L)

Poirier, J., assistant to the Minister of the Environment (Prescott-Russell L)

Polsinelli, C., assistant to the Minister of Labour (Yorkview L)

Reycraft, D. R., assistant to the Minister of Education (Middlesex L)

Sargent, E. C., assistant to the Minister of Tourism and Recreation (Grey-Bruce L)

Ward, C. C., assistant to the Minister of Health (Wentworth North L)

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Mitchell, Ramsay, Sargent and D. W. Smith; clerk, D. Arnott.

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\*The lists in this appendix, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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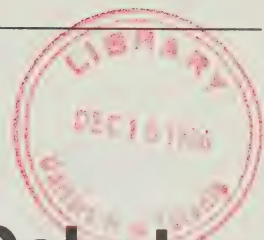
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Ashe, G. L. (Durham West PC)  
Baetz, R. C. (Ottawa West PC)  
Callahan, R. V. (Brampton L)  
Caplan, E. (Oriole L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Curling, Hon. A., Minister of Housing (Scarborough North L)  
Davis, W. C. (Scarborough Centre PC)  
Edighoffer, Hon. H. A., Speaker (Perth L)  
Elston, Hon. M. J., Minister of Health (Huron-Bruce L)  
Fish, S. A. (St. George PC)  
Gigantes, E. (Ottawa Centre NDP)  
Gillies, P. A. (Brantford PC)  
Grossman, L. S. (St. Andrew-St. Patrick PC)  
Harris, M. D. (Nipissing PC)  
Hayes, P. (Essex North NDP)  
Johnston, R. F. (Scarborough West NDP)  
Mackenzie, R. W. (Hamilton East NDP)  
Marland, M. (Mississauga South PC)  
Martel, E. W. (Sudbury East NDP)  
McCague, G. R. (Dufferin-Simcoe PC)  
McClellan, R. A. (Bellwoods NDP)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting  
Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
O'Connor, T. P. (Oakville PC)  
O'Neil, Hon. H. P., Minister of Industry, Trade and Technology (Quinte L)  
Philip, E. T. (Etobicoke NDP)  
Pierce, F. J. (Rainy River PC)  
Pollock, J. (Hastings-Peterborough PC)  
Polsinelli, C. (Yorkview L)  
Pope, A. W. (Cochrane South PC)  
Reville, D. (Riverdale NDP)  
Rowe, W. E. (Simcoe Centre PC)  
Scott, Hon. I. G., Attorney General (St. David L)  
Shymko, Y. R. (High Park-Swansea PC)  
Smith, D. W. (Lambton L)  
Stephenson, B. M. (York Mills PC)  
Sterling, N. W. (Carleton-Grenville PC)  
Stevenson, K. R. (Durham-York PC)  
Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)  
Ward, C. C. (Wentworth North L)  
Wildman, B. (Algoma NDP)  
Wiseman, D. J. (Lanark PC)  
Wrye, W. M. (Windsor-Sandwich L)



No. 73



# Hansard

# Official Report of Debates

## Legislative Assembly of Ontario

**Second Session, 33rd Parliament**

Tuesday, December 2, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 2, 1986

The House met at 1:34 p.m.

Prayers.

## MEMBERS' STATEMENTS

### NURSING HOMES

**Mr. Dean:** I would like to draw the attention of the Minister of Health (Mr. Elston) to the critically short supply of nursing home beds that has been caused by his refusal to issue additional licences.

It has been two full years since the last allocation, and many families are encountering severe difficulties in finding beds. I know the trendy thing to do is to talk about home care replacing nursing home beds, and I fully support keeping people in their own homes. However, it will take time to create the province-wide, comprehensive home care system that will be needed to relieve the demand for nursing home beds. Until it is in place, the demand for beds is increasing.

Currently in Hamilton-Wentworth, 298 people who desperately need nursing home beds are on a waiting list. The physical space exists to fill most of this demand. All that is needed is ministry approval.

Last week I had to deal with the nearly panicky family of a constituent who had been told by the medium-care facility where he was staying that it could no longer provide adequate care for him and that he had until the end of the month to find a nursing-home-care bed. Fortunately, we were able to persuade the Ministry of Health to allow Hamilton-Wentworth to over-bed temporarily by six beds, and thus the critical needs were met. This is, however, a Band-Aid solution.

I urge the minister to take immediate action to allocate sufficient new beds to cover the existing need.

### ELECTRIC SHOCK THERAPY

**Mr. R. F. Johnston:** I rise again in the House to decry the use of electric cattle prods by institutions in this province on the mentally handicapped who are behaviour problems in the institutions.

I was pleased that CBC-TV concentrated on this issue. I encourage all members to look at the

videotape of that presentation so they can see what it is like when it is administered and to call on this government, as I have been doing, not to try to develop standards for the use of this barbaric form of treatment but rather to outlaw it in Ontario.

Other jurisdictions do not need it. It is preposterous to think that a few people in this province, about eight to 13, are the only ones who would benefit from this kind of torture. It is time we ended it as any kind of supposed therapeutic treatment in this province.

If the government is unwilling to take that action, then I suggest it puts the lie to the posture of the Liberals that they are reformists or progressive in any fashion.

### SIMCOE CHRISTMAS PANORAMA

**Mr. G. I. Miller:** I would like to use this occasion to draw attention to the 29th annual Simcoe Christmas Panorama. For those members who have not yet had the pleasure of being in Simcoe during the Christmas season, let me shed some light on what they are missing.

The Simcoe Christmas Panorama has been a yuletide tradition since a dedicated group of Simcoe businessmen decided to light up Wellington Park in 1958. The panorama consists of 60 different exhibits illuminated by almost 30,000 Christmas lights and set in the natural beauty of Wellington Park.

In 1985, the panorama attracted 220 tour buses from all over Ontario and the northern part of the United States. The Simcoe Chamber of Commerce has estimated that 500,000 people visited last year's panorama. The panorama is a labour of love for the 400 volunteers who unselfishly give of their time each December to make Simcoe's Christmas light show the best in Canada.

The official opening ceremony for this year's Simcoe Christmas Panorama was held last night in Wellington Park with the Simcoe citizen of the year, district court judge John Pringle, pulling the first switch.

The lights will be on every evening from 5:30 until midnight from now until January 1. I invite members and people from around Ontario to take

the opportunity to visit Simcoe during the Christmas season.

### SUNDAY TRADING

**Mr. O'Connor:** I will be pleased to present in the House later today the largest petition ever delivered to the Legislature of Ontario, comprising some 108,892 names, all in opposition to Sunday shopping.

I compliment the People for Sunday Association of Canada and, particularly, its executive director, Les Kingdon, who is here in the House today, for the co-operation and effort they have extended in organizing so mammoth an expression of the wishes of the people of Ontario.

With the widespread and flagrant violation of the Retail Business Holidays Act by all sectors of the retail industry, it is now incumbent on the Attorney General (Mr. Scott) to enforce the laws of this province. If citizens and corporations, large or small, are allowed to thumb their noses at the law with impunity for the sake of profit, our society, which is based on the rule of law, will be seriously eroded. The government simply cannot sit back and allow this to happen.

What positive steps does the Attorney General intend to take to enforce the Retail Business Holidays Act? Alternatively, does he simply not care whether the law of Ontario is respected?

### WAFERBOARD PLANT

**Mr. Laughren:** The members of the House will know that on Monday of this week the Smooth Rock Falls operations of Abitibi-Price changed hands in a sale to the Waferboard Corp. of Timmins. Since that sale was announced in August, 144 jobs have been lost in a community with a population of only 2,000.

The Canadian Paperworkers Union and other community leaders had petitioned the government to intervene with Abitibi-Price to open its pension plan to encourage early retirements. Abitibi-Price recently diverted \$10 million from the negotiated plan, money which the union argues—and I agree—should have been used to encourage early retirement so that other workers could have had those jobs.

We asked the Minister of Natural Resources (Mr. Kerrio) in this assembly not to allow that sale until job guarantees had been given, because there is a real suspicion that Waferboard wants the cutting limits rather than the mill. The minister and the Premier (Mr. Peterson) simply walked away from two very reasonable requests: one to have the pension plan opened and the other

to provide job guarantees and to tie those cutting limits to the job guarantees.

Those guarantees were never given and were never delivered, and those were very reasonable requests. This government has to stop thinking that the problems in northern Ontario are simply public relations problems.

### RECOGNITION OF FORMER MEMBER

**Ms. E. J. Smith:** I am sure the members of the Legislature will be very interested to know that last night John Ferris, the former member for London South, was named chairman of the board of the London and Middlesex County Roman Catholic Separate School Board. This becomes quite a historic occasion because he was previously the Catholic representative on the public school board and in that capacity had risen to be chairman of that board. I think he may well be the only person who has ever risen to be chairman of both school boards in his own community and, with the new laws, probably nobody else will manage to accomplish that feat.

### FOOD DISTRIBUTION

**Mr. Cousens:** I stand today to recognize the achievements of FoodShare, which is celebrating its first anniversary. It serves the people of Toronto, especially, where there has been a need for food. People just did not have it because they did not have a home or a job, and even those with jobs that paid too little have had to depend on the sharing of others who had something to give them.

Today marks the first 12 months in which this organization has been serving the people of our province and filling a hole caused by the failure of governments at all levels to understand with compassion the needs of those people who otherwise would not be helped.

We all remember the work of FoodShare in September when the potato harvest was gathered and shared with those who did not have any food. We see it continuing today as we head into the Christmas season and heavy winter weather when still others are coming together to help people.

We recognize the significant contribution of the organizers of those 150 agencies. On behalf of all of us who have so much, we say to those who are helping others who have so little, thank you very much for that dedication and concern for those people in our society.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** It was revealed at the inquest of Robin Comba, just this past week, that he



probably died from inhaling dust, which burned his lungs and his air passages before he was buried by 30 tons of dust while working. There is no end to murder in the work place in Ontario.

It is a known fact that this material, when inhaled and mixed with any type of moisture, causes a burning sensation. The workers were not provided with the appropriate dust masks. In this province, there is insufficient testing of dust masks and fine particles. Will the minister get on with funding some organization to do the appropriate testing?

13:45

## STATEMENT BY THE MINISTRY AND RESPONSES

### WILDLIFE MANAGEMENT

**Hon. Mr. Kerrio:** I would like to take this opportunity to introduce a bill that will result in a number of timely and wide-ranging amendments to Ontario's Game and Fish Act.

Game and fish are important resources to the lifestyles of many Ontarians and are of great benefit to the province's economy. This is especially true in northern Ontario where tourism is a major industry. It is, therefore, vital to have forward-looking legislation to assist in the management of Ontario's wildlife and fisheries resources and in the regulation of the users of those resources.

The Game and Fish Act has not been amended since 1980. We require various changes to implement programs that have been developed since then. Such programs as the new aquaculture and black bear management programs will enable the private sector to provide better and enhanced services to its clients.

As well, the amendments will enable Ontario to protect its wildlife and fisheries interests and, at the same time, assist other jurisdictions in meeting their objectives. National and international trade in wildlife and fisheries products are now a fact of life that must be faced. These and other amendments will lead to more effective administration of the act and address enforcement problems that have become more acute in recent years.

Altogether, the proposed amendments deal with changes to 49 sections in the Game and Fish Act. I will not discuss every one, but I would like to take a moment to highlight several key ones.

One group of amendments concerns how black bear will be managed in Ontario. In recent years, this animal has become a prized big-game species. Changes are required to permit better control of the harvest, to prevent the destruction

of dens and to control hunting methods. These changes will have a very positive effect on our northern tourist industry.

Another amendment deals with the expansion of the commercial aquaculture industry. The ministry wishes to encourage its future growth, and this requires changes to permit the culture of additional fish species.

Still other amendments address the issue of keeping game in captivity. The present act permits any game species to be kept in captivity without regulation for 10 days. As a result, it is virtually impossible to prove that a particular specimen has been held continuously for that length of time. Further, the terms "captivity" and "game bird" are ambiguous.

Such inadequacies have made it extremely difficult to effectively prevent the keeping of such species as falcons, black bear and deer, whether imported or taken from the wild in Ontario. It is, therefore, necessary to clarify the government's intent concerning the entire issue of the keeping of game in captivity.

Another issue concerns the relatively recent and highly successful reintroduction of wild turkeys to Ontario. This means such aspects as hunter licensing and control of hunting methods must be dealt with in the amendments.

Ontario has an excellent record on hunter safety. To improve on this even further, I am recommending that legislative authority be established to require hunters to wear hunter orange garments. Also, I am proposing that it be considered an offence to be hunting with a firearm while impaired.

Finally, persons who violate any part of the act for commercial gain will face much stiffer penalties than in the past. The existing maximum penalty of \$5,000 will be increased to \$50,000 or imprisonment for a maximum of two years less a day, or both.

These are some of the highlights of the proposed changes to the Game and Fish Act. All the amendments are the product of a long and thorough process of consultation and preparation.

I strongly believe the bill to amend the act reflects the concerns of the people and various interest groups of this province as much as those of my ministry. That is why I am looking forward to the bill's speedy passage through the House.

**Mr. Pope:** I feel I must respond to the Minister of Natural Resources and his sense of priorities.

**Mr. Ashe:** And his sense of humour.

**Mr. Pope:** And his sense of humour.

We have a situation now in northern Ontario where our resource industries are in trouble because of international competition and the countervail-duty case in the United States, for which the minister must bear some responsibility. Hundreds of workers are out of work in northern Ontario. We have long-term problems in our resource communities. We have real concerns in the tourist sector to which the minister referred in his statement, about its future and how it can be competitive with even the tourist advantages in southern Ontario.

Facing all of these problems in northern Ontario in the resource sector, for which he has some responsibility, the minister's announcement of an initiative is amendments to the Game and Fish Act. As a representative of the Liberal government of Ontario, the minister has failed the north. He has instituted no new initiatives to help the people of northern Ontario. He has no idea about how to help the communities and industries of northern Ontario. The only initiative he has announced in this entire session is the introduction of amendments to the Game and Fish Act.

I want to talk a bit about the minister's concept of public participation and involvement. The minister made a great deal out of having public meetings at the Ministry of Natural Resources offices with respect to the fishing licence. The fact of the matter is that the minister has ignored the petitions pouring in to him and to all members of this Legislature against the \$10 licence.

He announced the \$10 licence to American fishermen in Harrisburg, Pennsylvania, in February 1986, before the public consultation meetings started, on a sign in his ministry's booth at the sportsmen's show in Harrisburg. His public consultation is only in so far as it goes according to his plans and, if not, he will ignore it, thank you very much.

There is much more at stake in northern Ontario than the minister's amendments to the Game and Fish Act. He has yet to indicate to northern Ontario what stocking programs are going to be put in place to help the northern Ontario tourist industry. He said every single dollar that came from fishing licences would go into stocking programs in northern Ontario. We have yet to have that list. He has had eight months to hand over that list to the interested tourist groups and chambers of commerce in northern Ontario. He still refuses to do so and has now couched those in terms in other terminology, such as he is going to pay for the

administration costs of his system out of the revenues.

The tourist industry and the sports clubs in northern Ontario have been abandoned by this minister. He has cut back on the community fisheries involvement program in northern Ontario, not only in the number of projects but in the money. That is a fact. He has cut back on the commitment of stocking to northern Ontario. That is a fact. He has abandoned northern Ontario. He goes to Niagara Falls to buy his silly fishing licence and leaves northern Ontario on its own. He should be ashamed and all members of the government should stand condemned. The only wild turkeys that have to be taken care of are right there in the government of Ontario.

**Mr. Laughren:** I too think the Minister of Natural Resources should be condemned for carrying on the policies of the previous government. It is outrageous.

The changes referred to in the minister's statement seem to be positive ones. Of course, we will have to wait until we see the bill itself to determine which ones we can support and which ones we simply cannot support. I was pleased with the amendment of the member for Algoma (Mr. Wildman) on the wearing of fluorescent orange in the bush while hunting. A lot of credit must go to my colleague the member for Algoma for raising that with the minister.

When talking about the introduction of wild turkeys to Ontario, we have here absolute proof that the freeze on Liberal nominations has now been lifted. The one thing he has left out of his statement, though, is that in order to protect Tories, he has to make amendments now to the Endangered Species Act in the province.

I am looking forward to seeing the actual bill, because I agree with the member for Cochrane South (Mr. Pope) that the minister has not dealt with a lot of the problems in northern Ontario. In particular, he has not dealt with the fish-stocking problem, which he promised he would do when he introduced the fishing licence fee for resident anglers in the province. We look forward to seeing more action in that regard. I would like to leave the balance of the time to my colleague the member for Algoma.

**Mr. Wildman:** I want to express my happiness at the minister's statement with regard to the mandatory use of fluorescent orange. It is a good colour. We like it in this party. It should protect hunters from that minority of hunters who are not careful in ensuring they know what they are firing at when they are in the bush.



I want to make a couple of comments about the other aspects of the minister's statement. With regard to the changes in the bear hunt, I hope the minister is suggesting there will be a prohibition on the use of hunting dogs in the bear hunt, not only in the early spring but throughout the bear hunt as well. We have had some serious problems, particularly in populated areas in northern Ontario, because of the unfortunate use of dogs by some irresponsible owners during that hunt.

I am disappointed that the minister has not been more specific in his statement with regard to stocking, as my colleagues have mentioned. I am particularly concerned that all the moneys coming from the introduction of the licence be used for the enhancement of sport fishing in northern Ontario, not just in the big lakes but also in the inland lakes. I will be interested in the minister's position and the position of his ministry with regard to the stocking of salmon as well as lake trout and pickerel in northern Ontario.

I hope that in carrying out his changes the minister will be taking into account the discussions that are ongoing with regard to Indian treaty rights and their right to fish and hunt for their own use on the lands that were surrendered.

Finally, I commend the minister for his attempts to deal with the concerns and needs of the commercial fisherman and the commercial fishery and on the need to respond to those concerns and needs while balancing them with those of the tourist industry and the sport fishery.

I look forward to the specifics of the changes and hope the minister will share them with us well in advance, so that we can determine the result in northern Ontario and so that we will have a reasoned and responsible debate on this rather important initiative.

13:58

## ORAL QUESTIONS

### PORTABLE CLASSROOMS

**Mr. Grossman:** My question is to the Minister of Education. Can he tell us how many young people across Ontario are getting their education in portable classrooms?

**Hon. Mr. Conway:** I cannot give a precise response to the Leader of the Opposition on that account. Thanks to the generosity of the Treasurer (Mr. Nixon), I can tell him, however, the new government has announced a capital program for 1987 that will see the expenditure of \$147 million on the capital account, which will be precisely

double what the previous government was prepared to expend in 1985.

Yes, it is true we have a number of students in portables, but it is also true that this government is addressing in a serious and meaningful way that decade of educational underfunding on the capital account that characterized the years 1975 to 1985. Thanks to the generosity of this Treasurer, we are making very important and positive steps to address those capital needs.

**Mr. Grossman:** Almost two years ago to the day, the minister introduced a no-confidence motion condemning the then government, and I will quote directly, because of the "policy of the government to refuse to provide capital funds to school boards for the building of school facilities where overcrowding and the use of portables are at a crisis stage." I find it appalling that the minister, having moved that no-confidence motion, would not know how many young people are having to get their education in portable classrooms a year and a half after he became minister.

I want to draw to his attention a publication that came out today, put out by the Ontario Public School Trustees' Association, which describes in red outline the capital-funding crisis faced by the public schools of Ontario.

They indicate that this year 50,000—I offer that information to the minister, who does not have it—young people will be educated in portables this year and next year it will rise to 60,000.

**Mr. Speaker:** Question, please.

**Mr. Grossman:** The minister has spoken earlier of the generosity of the Treasurer in trying to solve this problem. Can he inform the House how generous the Treasurer was in 1986 in increasing the capital grants to alleviate this problem?

**Hon. Mr. Conway:** The Leader of the Opposition provides me with a much-sought-after opportunity to indicate once again the challenge the new government faced when it took office in June 1985. Very serious pressures had been allowed to build up over the preceding years, which we have moved with expedition and effect to address. There were, of course, other issues on the educational agenda that had to be addressed that were left by the previous administration, because the previous administration had neither the guts nor the capacity to meet the challenge in those critical areas.

In his October 1985 budget, the Treasurer announced that an additional \$25 million would be added to the earlier capital allocation. We have seen a substantial enrichment in that budget



and in the allocations earlier this year. I repeat that for 1987 this government will spend \$147 million on the capital account. That will be double what the honourable member was prepared to spend in 1985. I think that is a very positive step forward.

**Mr. Grossman:** We have ascertained two things so far today. One, the Minister of Education does not know how many students are currently being educated in portables and, two, he either did not know or was not prepared to tell us how much was the 1986 increase given by his so-generous Treasurer.

In my final supplementary, I want to draw something to the minister's attention. In the Peel board, 13 per cent of all students are being educated in portables; in Durham, 13 per cent; in Dufferin-Peel, 27 per cent of all young people are going to school in portables; in York region, 33 per cent, and in Carleton, 34 per cent.

Against that background, in 1986 the Treasurer gave the minister exactly a \$12-million increase on the capital side to solve this problem. To put that \$12-million increase into perspective, that \$12 million is \$5.5 million less than his leader gave his good friend to put in a computer museum at the Toronto harbourfront. That \$12 million represents hardly a dent in the problem outlined in this document. Indeed, if the \$17.5 million that went to the Exploracom project had been given to the Lanark, Leeds, Cochrane, Iroquois Falls, Kirkland Lake, Muskoka and Nipissing boards, all their capital repair problems would have been resolved.

**Mr. Speaker:** Question, please.

**Mr. Grossman:** How can the minister justify that \$17.5 million going to Exploracom?

**Hon. Mr. Conway:** The Leader of the Opposition has arithmetic that is almost as bad as that of his Education critic, who said in the House the other day that 57 from 100 leaves 57. The official opposition will want to enrol in some of our schools to take a mathematical upgrading program.

As I recall it, in 1986 the capital allocation in the province was something in the neighbourhood, all dollars in, of about \$107 million. For 1987, it will be \$147 million.

**Mr. Grossman:** What about 1985?

**Hon. Mr. Conway:** In 1985, the previous government had allocated \$67 million.

**Mr. Callahan:** Shame.

**Mr. Grossman:** Wrong.

**Hon. Mr. Conway:** That is the reality. The previous year, in 1984, it was about \$65 million or \$67 million.

We have substantially improved and enriched the capital account. Yes, it is true that we are not overnight going to be able on this side to undo the damage done by that side in the decade 1974-84.

**Mr. Grossman:** The minister did not know what the budget was when he got there, did not know what he had in 1985, did not know what he had in 1986 and does not know how many students are going to school in portables. That tells the whole story.

**Mr. Speaker:** Is that a question to the Minister of Education?

[Later]

**Mr. Grossman:** On a point of privilege, Mr. Speaker: I would like to correct the record. I may have left an impression that was not entirely correct. I suggested 50,000 young people were being educated in portables across the province. In fact, there are 50,000 young people in portables in only six of the 173 school boards. The grand total would be more like 150,000.

#### LAW ENFORCEMENT

**Mr. Grossman:** My second question is to the Attorney General. I remind the Attorney General that we have questioned him several times about his government's failure to press charges to get the Morgentaler clinic closed. Every time we have asked him he has told us, quite eloquently—and we have the quotes here—that he could not tolerate a government that instructed the police to lay charges.

This morning we read in the newspapers that the Solicitor General (Mr. Keyes) has ordered police forces across Ontario to begin to lay charges this Sunday in an aggressive way against those violating the Retail Business Holidays Act.

Which is it? Does the Attorney General have the power and does he instruct the police forces when to lay charges, or does he not, as in the case when he wants to hide from the Morgentaler situation?

**Hon. Mr. Scott:** I know the honourable member will not want to take advantage of a difficult and contentious issue about which he is apparently not prepared to express his own opinion; so I will make no reference to it.

As the member well knows, the power of the Attorney General does not include instructing the police about charges they should or should not lay. The power of the Attorney General is to invite an investigation, if one is appropriate in his opinion, and to exercise his powers under the Criminal Code if he sees fit to do so. The

Solicitor General, as the minister responsible for the police, may have other capacities.

**Mr. Grossman:** May I ask the Attorney General, who is the chief law officer of the crown, whether during all these months when he has been answering these questions, he has been drawing a fine distinction between the Attorney General's power to authorize or invite police to lay charges and the powers of the Solicitor General? If that is the case, he might well have been factually accurate on the record, but he will have left an impression in this House quite the reverse of perhaps what is, shall we say, accurate.

My second question, to allow the Attorney General to clarify the record, is this: is he telling the House that the Attorney General has no power to and should not instruct police as to when to lay charges, but that the Solicitor General does?

**Hon. Mr. Scott:** I am trying to follow precisely the fine line that the Leader of the Opposition has suggested. As his colleague, who knows more about the matter from an Attorney General's perspective would confirm for him, the chief crown law officer is neither a policeman nor responsible for the police. It is true that when the police conduct an investigation they are entitled to approach a crown attorney for legal advice about the efficacy of the evidence they have collected. However, it is a policeman's responsibility, just as it is any informant's responsibility, to satisfy himself, with or without legal advice, that he has reasonable and probable grounds to lay a charge.

If there are people such as the Leader of the Opposition who think the Attorney General of the province is something in the nature of a policeman, they are quite wrong. The Attorney General of the province is the chief law officer of the crown.

**Mr. Grossman:** The Attorney General has treated us to yet another one of his lectures, but he has not answered the question. With respect, let me read him the quotes that are causing the confusion I am inviting him to clear up.

On June 24, in response to a question on abortions, his leader said, "If he is suggesting to me that the Premier should instruct the Attorney General to instruct the police to lay charges, that is not the kind of government I want in this province."

Yesterday, he assured us in the House, as he did a moment ago, that the Attorney General does not tell the police when to lay charges. Another time yesterday he said, "We have been

laying charges where infractions occur." That is what he said yesterday in the House. This morning, the Solicitor General said he had instructed that charges be laid on Sunday. Is it within the jurisdiction of the Solicitor General, but not that of the Attorney General, to tell police forces when to lay charges?

**14:10**

**Hon. Mr. Scott:** It is my responsibility, as I understand it, to make clear what my jurisdiction is; and my jurisdiction, apart from giving legal advice—

**Mr. Grossman:** Come on. You have been lecturing everyone on what he ought to do.

**Hon. Mr. Scott:** The honourable member says "lecturing." I am very sensitive to that remark. It would have eased the matter if in caucus this morning he had taken the member for Cochrane South (Mr. Pope) aside and asked for some advice on the position of the Attorney General in government. The difficulties that confront him would have been cleared away. The point I want to make is that the Attorney General's responsibility is quite clear; it is to prosecute charges that have been laid by the police or, in appropriate cases, by private informants.

#### PLANT SHUTDOWN

**Mr. Rae:** In view of the absence of the Premier (Mr. Peterson), I would like to ask a question of the Minister of Industry, Trade and Technology. He should know that the member for Lakeshore (Mrs. Grier) and I met with the workers at Goodyear on Friday. We also were at the plant gate this morning at six o'clock to talk to the workers as the shift changed, as workers came in and out of the plant.

The minister may be aware that just before the workers got word that the plant was to close, they all received a letter from Mr. Mercer thanking them for their spirited defence of the Goodyear company. He said, "All can take great pride in demonstrating that we and other Americans value the industries built up over many years with hard work and dedication and won't stand idly by when they are threatened."

The workers on the line this morning were angry. They ranged in age from the 20s to the 60s. Some of them have just bought homes on the basis of having jobs at that plant. Why is there no legislation in this province that will allow Ontarians to stand up and fight for the workers who are devastated by corporate irresponsibility of this kind?



**Hon. Mr. O'Neil:** I am aware of the letter that was sent out. It seems kind of funny that within a couple of days they all received their walkout notices. Both I and the Minister of Labour (Mr. Wrye) are looking at this. We are very concerned about it. I can also say that the Minister of Labour is looking at legislation in this regard.

**Mr. Rae:** The Minister of Labour has been looking at legislation since the cows came home, and he has produced absolutely zilch in defence of the working people of this province in the face of this kind of corporate ripoff.

The letter also said, "Goodyear's board of directors has unanimously approved transactions which will enhance both near-term and long-term shareholder value." Can the minister tell us what piece of legislation, what law, what leverage the workers of Goodyear can refer to that will protect not shareholder value but worker value, in the most important investment they have, their jobs? What is he going to do to make sure they get that protection, which is not there right now?

**Hon. Mr. O'Neil:** The leader of the third party is likely aware that we have also written to Mr. Mercer asking that certain things, certain considerations be given to the workers. The Minister of Labour and this government are very concerned about the workers in this province, and we are working very hard on this issue.

**Mr. Rae:** The minister has not answered my question. I have asked it twice. I will ask it again. What legal power, what legal leverage, what law does he have on the books that will allow him to deal with Mr. Mercer when he does not answer the minister's letter?

**Hon. Mr. O'Neil:** I hope that Mr. Mercer will answer our letter and that we will be able to meet with him. As I mentioned before, the Minister of Labour is looking at legislation of this type.

**Mr. Rae:** I am glad the minister set up his colleague the Minister of Labour, because I have some questions for him as well.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Rae:** I would like to ask the Minister of Labour a question relating to his area of strength, industrial health and safety, where he has of course been an absolute tiger on behalf of working people. The tabbies seem to be rather quiet on that.

The minister must be aware that five workers have died at Port Arthur Shipyard since 1983. He must be aware that charges were laid after three men burned to death in February 1983 and that further charges were laid after two men were

electrocuted in June 1983. It took until October 1986 for the Ontario Court of Appeal to confirm two earlier rulings that a ship was not an industrial establishment and that therefore the workers had no protection. One charge was dismissed, and the other charges with respect to the two men who were electrocuted were withdrawn by the ministry. Have the regulations changed since the court decision on October 2, 1986?

**Hon. Mr. Wrye:** My understanding is that the change required is a change in the act. We are well aware of the very tragic situation that occurred in the shipyard. Obviously, as the member points out, we are aware of the difficulties that had one prosecution fail and forced us to withdraw another. I can assure the honourable member that when changes come forward in the not-too-distant future, this matter will be addressed in those changes.

**Mr. Rae:** Can the minister confirm that a justice of the peace made a decision on May 4, 1984; that a provincial court judge made a decision on May 30, 1985, a year later, and that there was a decision of the Court of Appeal in October 1986? Can the minister confirm also that the workers at Port Arthur Shipyard are no more protected today than they were back in 1984? Is that what he is saying?

**Hon. Mr. Wrye:** The concern the member raises is one in terms of prosecution; that is certainly one aspect. This is a very troubling case. We want to ensure that when we move forward with amendments to the act we will be closing all the loopholes. That is what we intend to do in the next short while. The member points out quite correctly that the Court of Appeal decision was in the past short while. Until about two weeks ago, we were reviewing the impact of that Court of Appeal decision.

**Mr. Rae:** Can the minister tell us how he feels as the Minister of Labour knowing that five people have died in situations where his ministry felt sufficiently moved to get off its butt and prosecute? Workers are still at risk. How can he stand in his place today and defend himself when he, on his own admission, is leaving the working people of this province at risk because of his failure to change the law?

**Hon. Mr. Wrye:** I think the member will want to acknowledge that we are talking about prosecution. That is the problem. That does not speak to whether people are protected. With all due respect to the leader of the third party, it does not. I gave the member an assurance in the House



that this matter would be dealt with in amendments to the act. I hope to bring these forward in the not-too-distant future. We will do that; there will be amendments to the act. I am sure that when the member sees those amendments, he will be pleased, as I think all members of the House and indeed the workers of the province will be.

14:20

#### IDEA CORP.

**Mr. Philip:** I have a question to the Minister of Industry, Trade and Technology in relation-ship to his statement yesterday.

Will the minister confirm that on November 13, Mr. MacKinnon indicated to the standing committee on public accounts that the main and only assets of Wyda were the intellectual assets of the company? Can he tell us how he put those assets into receivership, and what guarantees does he have to protect the \$3 million he has lost to the Ontario taxpayers?

**Hon. Mr. O'Neil:** First, we do not believe we have lost \$3 million. We feel the people are important assets. Three of the vice-presidents testified before the judge yesterday morning when we were looking for a receiver. Those three vice-presidents talked about the value of the assets of the company and the product, saying it was a good product and it is hoped those employees will stay with the company.

**Mr. Philip:** Will the minister confirm whether Mr. Dobzinski is in Canada at the moment or whether, as we understand, he is no longer in Canada? Will the minister confirm that the main assets of the company are the software he has with him out of the country, and indeed the creativity and ideas he has in his head? How does the minister put Mr. Dobzinski's brain into receivership? Why does he not agree to a judicial inquiry to find out exactly what has happened to the assets and the \$3 million of the taxpayers' money?

**Hon. Mr. O'Neil:** I understand Mr. Dobzinski is not in the country. At present, it is not known whether he has the tapes with him, although it is being looked into. We have copies of the tapes, and we had the people come to work, not on Friday, but on Monday. They will be there, and it is hoped they also form a great asset of that company and will continue to be with the company.

**Mr. Gillies:** My question is on the same matter and to the same minister. For months, Mr. Dobzinski refused to allow an auditor to review

the \$3 million that was flowed by the government to Wyda. As the minister has indicated, Mr. Dobzinski is out of the country, and one of the minister's officials was quoted this morning as saying: "We doubt if we will ever see him again. Mr. Dobzinski has taken with him copies of Wyda's newly developed software."

Has the minister determined the truth or otherwise of his official's statement? Can the minister outline to the House whether he has been successful in contacting Mr. Dobzinski and persuading him to come back here to face the music?

**Hon. Mr. O'Neil:** As I mentioned, Mr. Dobzinski is not in the country; we are trying to locate him. As was mentioned yesterday, we have placed the company in the hands of a receiver and we hope to make the company viable.

**Mr. Gillies:** The minister has not answered the question. An official of his ministry told a media outlet in this city that he does not expect to see Mr. Dobzinski again. I believe this House has a right to know on what information that assumption was based. There are millions of dollars missing, and as the minister knows, hundreds of thousands of dollars were signed over personally to Mr. Dobzinski.

Will the minister indicate what steps have been taken? Has the Ontario Provincial Police been called in to find this man and this money? Will the minister concede that a judicial inquiry is necessary to recover as much of the public's investment as possible?

**Hon. Mr. O'Neil:** As I mentioned yesterday and touched on today, the tapes were one of the first things we took possession of when we went down to the company on Friday. Those are in safe keeping, although we do not know whether copies were made of them. We will have the receiver continue to look at that, and we are looking at legal action.

#### DAY CARE

**Mr. Rae:** I have a question for the Minister of Community and Social Services arising out of answers about child care that he has given over the past couple of days.

Can the minister confirm that what he is saying and what he said yesterday in his response to questions from my colleague the member for Ottawa Centre (Ms. Gigantes) with respect to nonprofit centres is that the Ontario government has basically decided to do nothing until the federal government changes the rules of the game

so they can fund for-profit centres as well? Is that what he is telling us?

**Hon. Mr. Sweeney:** No, I did not say that. What I said was that our negotiations and discussions with the federal government were along the lines that roughly 50 per cent or approximately 50,000 licensed spaces in the province were in the commercial market, and that if we were to move immediately to income testing and direct grants, which under current federal agreements are prohibited from being applied to the commercial centres, that would create a real problem for us in the short term.

If we could get some agreement from the federal government on how to deal with the commercial sector, whether in the short or long term, it would be preferable before we make a final decision. If we cannot get such an agreement, then we will move on our own.

**Mr. Rae:** Can the minister tell us why he will not move now with respect to the centres for which he can move? Tens of thousands of kids are in those places and thousands of parents are facing increasing financial difficulty as a result of the government's inaction. Can the minister tell us why those families that are using nonprofit centres should be held to ransom by his determination to fund for-profit centres as well? Why should we punish those kids and parents just because of the minister's predilection for funding commercial centres?

**Hon. Mr. Sweeney:** I cannot agree with the leader of the third party that we are holding families to ransom. I remind him that we have increased the total number of subsidized spaces in this province by 10,000 in little more than a year; that is a 50 per cent increase.

There are approximately 50,000 children and their families in the commercial sector who also have to be considered. Whether he agrees philosophically or ideologically that such should exist, in fact they do exist. In some communities they are the only available source of child care. We simply cannot turn our backs on them.

We want to negotiate with the federal government. As a matter of fact, a meeting is scheduled for January 26 between the ministers of social services across this country and the federal minister to deal with this issue. We hope to resolve it at that time. If there is a clear signal from the federal government that it is not prepared to resolve it, then we will take action on our own with respect to the nonprofit and municipal centres. We have said that very clearly.

## LEAD LEVELS

**Mr. Offer:** I have a question of the Minister of the Environment. A report was released yesterday indicating that lead contaminant readings in excess of 500 parts per million have been found in certain areas of the city of Mississauga. With respect to that report, it appears that level and in excess of that level can cause serious harm with respect to human health in different ways. What is the minister doing to protect the people in that area?

**Hon. Mr. Bradley:** My understanding is that there are not many secondary lead smelters in the province. The honourable member will recall—certainly other members of the House will—the problems identified in south Riverdale. The member for Bellwoods (Mr. McClellan) also raised issues related to his constituency in Toronto.

14:30

**Mr. McClellan:** About which you have done nothing.

**Hon. Mr. Bradley:** We are moving quickly on that—

**Mr. Martel:** Compared to a tortoise, you are a snail.

**Mr. Speaker:** Interjections are out of order.

**Hon. Mr. Bradley:** I will not respond to that. I have to remember that the question came from the member for Mississauga North (Mr. Offer).

In this case, we will be placing a control order on the company to ensure that there is a significant and substantial reduction in the emissions coming from the Tonolli plant. The Exide plant is in the process of having a decommissioning plan put into effect. In the one case, where the plant will be continuing, a control order will have a substantial effect on the emissions; in the other case, a decommissioning plan will result in that property being left in an appropriate fashion.

**Mr. Offer:** When will these orders take effect? When can the people expect to get certain protection?

**Hon. Mr. Bradley:** That is a good question, and it was not prompted, I am sure, by members on the other side of the House who said, "Ask when."

We want to move expeditiously and comprehensively and we want the input from the people in the neighbourhood. We will have a public meeting of the people in the neighbourhood to look at the control order and make comments on it. We will be moving very quickly to have that



control order in effect. Subsequent to that, we will ask the company to remove any soils which we consider must be removed under criteria which will be established.

#### IDEA CORP.

**Mr. Pope:** My question is to the Minister of Industry, Trade and Technology with respect to the Wyda investment. The minister will be aware that this summer the standing committee on public accounts heard evidence, which was uncontradicted and which it accepted, showing that during an 11-day period between April 19 and April 30, 1986, \$1.5 million of the public's money was disbursed through Wyda to a number of creditors.

The minister will know that of that amount, more than \$462,000 went to the president, Avi Dobzinski, personally, with respect to a shareholder's loan, and that debt was never substantiated to the satisfaction of the committee or of the auditors who looked at it. He will know that \$584,670 went to a related company called Budgrove Ltd. in Britain, and that debt was never substantiated to the satisfaction of the members of the committee. He is aware that the monthly budget of this company—

**Mr. Speaker:** Question, please.

**Mr. Pope:** —went from \$454,000 in May 1986 down to \$175,000 in June 1986. He is aware of all these circumstances and that \$3 million of the taxpayers' money has been lost. Why will he not have a judicial inquiry into this mess?

**Hon. Mr. O'Neil:** We do not consider that the investment has been lost. We are still hoping the company will continue. We have not been very happy with the information that was forthcoming or with the information for which we asked. That is one reason we had Peat Marwick go in, and we will be looking at the results of their investigation over the next couple of days.

**Mr. Pope:** We are talking about \$3 million of the taxpayers' money. We are talking about incompetence at the highest levels of the Ministry of Industry, Trade and Technology. We are talking about the direction of funds as a result of a meeting on April 10 in a way that the IDEA Corp. board of directors did not contemplate and that changed the essential nature of the investment. We are talking about a situation where the Ontario Development Corp. refused money for a forensic audit, when we asked for it in September 1986. We are talking about a situation where the Ontario Development Corp. refused to co-operate in helping the public accounts committee

to get the proper information. We are talking about a situation—

**Mr. Speaker:** Question, please.

**Mr. Pope:** —where the minister's office was personally involved in a discussion of this matter and where the Attorney General (Mr. Scott) was involved in a meeting when the evidence was reviewed before it was given to the committee. Will the minister have an judicial inquiry, or are we going to have to call in the Ontario Provincial Police?

**Hon. Mr. O'Neil:** The member is talking about the IDEA Corp., which he set up with a board of directors under his appointment. He is talking about loose controls. I hate to hear somebody who was a minister in the previous government make such comments about ODC, a group of highly respected people who are trying to do a job and have been very co-operative with the committee.

#### INSURANCE AVAILABILITY

**Mrs. Grier:** I have a question for the Minister of Financial Institutions about the insurance crisis in this province. The minister has frequently told the House that, in his opinion, there is no problem with the availability of insurance. On November 27, the minister said, "There is not a policyholder who cannot get insurance." Is that still the minister's position or is he prepared to admit today that there are many organizations and agencies that cannot get insurance in this province?

**Hon. Mr. Kwinter:** The situation in the province today, to my knowledge, is that insurance is available for any organization that is prepared to pay for it. We have a situation where we have an affordability problem and an availability problem. It is my understanding that insurance is available. Whether it is affordable is another question.

**Mrs. Grier:** I would like to clarify the minister's understanding and ask him what he can do for an agency in my riding called Access for Parents and Children. Access provides noncustodial parents referred by the courts with an opportunity for supervised visits with their children. They have been unable to get abduction insurance. The minister's insurance pool could provide basic coverage, but could not find anybody willing to bid on abduction coverage.

Will the minister agree that an agency such as this cannot continue if it does not have that kind of coverage? Is he prepared to let this agency fold, as it will at the end of this week if it cannot



get insurance, or is he prepared to solve the problem?

**Hon. Mr. Kwinter:** The member has raised a very important issue. When it comes to things such as abduction insurance or child molestation insurance, there is no question it is a very difficult problem. Notwithstanding that, to my knowledge, we have had similar cases and we have been able to find that kind of coverage. If the member will send me the details, I will be happy to pursue it for her.

#### LAKE POLLUTION

**Mr. Ward:** My question is to the Minister of the Environment. One of the largest sources of pollution in the Great Lakes is the Windermere basin in Hamilton harbour. When will the minister take some action to see that this major source of contaminants is cleaned up?

Interjections.

**Hon. Mr. Bradley:** I am afraid I could not hear the question.

**Mr. Speaker:** Will the member repeat the question?

**Mr. Ward:** The members opposite show the same disregard for the city of Hamilton as they did when they were the government.

When will the Ministry of the Environment take action to ensure that the Windermere basin in Hamilton harbour is cleaned up?

**Hon. Mr. Bradley:** As the member is likely aware, I had a meeting with representatives of the regional municipality of Hamilton-Wentworth and the city of Hamilton.

Interjection.

**Hon. Mr. Bradley:** No, there were no other people there, other than the municipal representatives.

The member will be happy to know it was a good-news meeting. They came to ask if the Ministry of the Environment would be prepared to assist in the Windermere basin work. They had come forward with a plan that would involve the Hamilton harbour commissioners, the region, the city, the Ministry of the Environment and Environment Canada. When they made a request for the sum of \$1.25 million as the province's contribution to this cleanup, I indicated we would be pleased to participate in that cleanup and we would agree to that request. However, they have one more step to take. They have communicated with the government of Canada through the Minister of the Environment of Canada in an attempt to secure a matching

amount of money from the federal government. I wish them well in that quest.

14:40

#### IDEA CORP.

**Mr. Gillies:** My question is for the Minister of Industry, Trade and Technology regarding Wyda. I would like to quote what David MacKinnon, head of the Ontario Development Corp., told the standing committee on public accounts on November 13, 1986. He said, "We have scrutinized [Wyda's] month-to-month financial statements in recent months and noted the changes therein, and we have satisfied ourselves that the investment is needed to develop the company's product..."

Yesterday the minister told this House that he wanted a receiver to review the operations of Wyda to determine the value of the technology and the ultimate viability of the enterprise. Who is right? Is the minister now telling the House that this investment was not being properly scrutinized by ODC and that Mr. MacKinnon misled the public accounts committee?

**Hon. Mr. O'Neil:** I believe Mr. MacKinnon, who is a very honourable man, has done a great job at ODC since coming there approximately one year ago to clean up the mess that was made over a number of years. I believe Mr. MacKinnon stands by the comments he made the other day. The honourable member will recall that one of the reasons we went to Mr. Dobzinski was to get additional information from him for the public accounts committee, which was considering giving him additional funding. At that time, he did not oblige us by giving us that information. That is one of the reasons we brought in the receivers.

**Mr. Pope:** The minister knows full well that it was not the public accounts committee that asked for additional funding. He will know it was a request from that ministry for additional funding for that company.

We have a situation where the Premier (Mr. Peterson) of this province refused to give documents to the public accounts committee. Mr. Carman of his office, his principal secretary, refused to give us documents. The Ontario Development Corp. promised it would have a full audit done of the Wyda books. It came in with a financial review and admitted it did not audit. The Ontario Development Corp. told the public accounts committee it was not prepared to put up the money for a forensic audit, not only of this company and the individuals connected with

it but also with respect to other individuals who benefited from this government investment.

The appointment of a receiver has nothing to do with getting \$462,000 back from Avi Dobzinski. It has nothing to do with getting \$584,000 plus back from Budgrove Ltd. What steps is the minister going to take to get the taxpayers' money back from these people and these companies? Why will he not have a judicial inquiry? He knows what has gone on is improper. Do we have to call in the Ontario Provincial Police to get this mess sorted out? Why does the minister not have a judicial inquiry?

**Hon. Mr. O'Neil:** We feel that having the company Peat Marwick go in and do an audit of the books will answer some of the questions the member is asking, questions to which we also want to know the answers.

#### PLANT SHUTDOWN

**Mr. D. S. Cooke:** I have a question for the Minister of Labour. The minister will be aware of a company named Telkom located in his riding, where the 80 employees went to work on Friday, November 21, 1986, and went back to work on Monday, November 24, to find the company had moved out on the weekend. A letter was sent out to those 80 employees by the company on September 5, stating: "Your improved efforts have begun to make a success of our Canadian operation. The quality and production levels have improved, and I wish to take this opportunity to thank all of you."

When is the minister going to bring in legislation to force companies such as this to justify a plant closure before it can let 80 people in his riding go, without jobs, simply allow them to hang as they did, and then move out on a Saturday, completely abandoning the plant? When is he going to bring in legislation to enforce corporate responsibility?

**Hon. Mr. Wrye:** We have indicated for some time that we are preparing legislation along this line. Perhaps my friends in the third party have forgotten the accord. This is a matter to be brought forward within the two-year period of the accord. The last time I checked, we were in the 18th month. We are well along in our preparation for legislation improving this very important area in Ontario's protection.

One of the problems is that we took a look at the justification legislation in every other jurisdiction of Canada, including Manitoba. Do you know what, Mr. Speaker? There is not any.

**Mr. D. S. Cooke:** When the Minister of Labour was in the official opposition he had no

problem with advocating justification legislation. Why can he not bring it in now that he is in the government?

Is the minister aware that, in addition to this company just running out of our country, during the time it was located here, in the last year, it received subsidies under the following programs: Futures, training in business and industry, the job development federally and the work activity program. All of these programs subsidized the wages of this company.

Can the minister tell me whether there has been any investigation to find out whether this money can be recouped or what guarantees were given in return for this money?

**Hon. Mr. Wrye:** I regret that the member for Windsor-Riverside has asked the question of the wrong minister, but since I am on my feet and answering the question, I will remind him and my friend the member for Bellwoods (Mr. McClellan) that it was my constituency office that raised the issue originally with the employment standards branch. I also remind and inform my friend from Windsor-Riverside that today an order to pay for \$69,300 was issued for the seven weeks' termination notice that was not given.

**Mr. Speaker:** The Minister of Labour has a response to a question previously asked.

#### RACE RELATIONS

**Hon. Mr. Wrye:** Yesterday the member for Hamilton West (Mr. Allen) asked what I intended to do to remove an Enemy of Rambo doll called Nomad from the shelves of Ontario stores.

First, I want to indicate that all of us on the government side of the House and, I am sure, all members of the House share the concern expressed by my colleague that a toy promoting this kind of negative stereotyping of a particular race would be offered to children at any time, but particularly at this time of year when goodwill and brotherhood really ought to be what we are thinking about.

This morning I had a chance to speak with Mike Richards, who is the vice-president of marketing for Coleco Canada, the manufacturer of this doll. I am pleased to advise the House and the honourable member that Coleco Canada has agreed to request all distributors of the doll to withdraw the doll from their shelves immediately.

Mr. Richards assures me that Coleco will be sending letters to its distributors this afternoon with this request, and for those who are involved in those stores who happen to be seeing the



provincial parliament being televised, I ask them to accede to this request immediately.

**Mr. Allen:** I want to thank the minister for his quick action on that, and the company for its prompt response.

May I ask the minister as a supplementary to sit down with the Attorney General (Mr. Scott) and the Minister of Consumer and Commercial Relations (Mr. Kwinter) to examine the question of the adequacy of our group defamation legislation and procedures in this province?

**Hon. Mr. Wrye:** I am certainly willing to discuss with both of my colleagues the matters that have been raised by the member.

#### LAW ENFORCEMENT

**Mr. Grossman:** I have a question for the Solicitor General. The Attorney General has finally clarified a position he has been trying to put forward in this House for many months—that the government has nothing to do with the laying of charges—and this afternoon he has finally fessed up that the Solicitor General is, in fact, in a position to tell the police when to press charges.

I draw to the minister's attention the Retail Business Holidays Act, subsection 2(2):

"No person employed by or acting on behalf of a person carrying on a retail business...shall,"

"(a) sell or offer for sale any goods or services...."

Having said that the police are to enforce the Retail Business Holidays Act this Sunday, is the Solicitor General instructing them to lay charges under subsection 2(2) against employees as well?

14:50

**Hon. Mr. Keyes:** I do not want us to become involved in this House, as we so often do, in a game of semantics; so I trust anything I say will be taken in the appropriate vein in that regard.

Communications from the Ministry of the Solicitor General go through the Ontario Police Commission, which is a very viable entity under my jurisdiction and which makes direct communication with all police forces. I do not instruct by means of the OPC exactly against whom, and in what circumstances, police forces are to lay charges, but I do make it known through the OPC that the laws of the province must be upheld. That goes out quite frequently to police forces—more frequently now certainly than in the past—to remind them of their responsibility to maintain the laws of the province through the interpretations they place on the laws, which are clearly written out for them.

**Mr. Grossman:** We know the minister, through the mechanism he has just described,

does not instruct police forces to charge anyone specifically, but he may indicate that "vigorous law enforcement take place with respect to the Retail Business Holidays Act." That is a quote from his spokesman, Mr. Norton.

Can the Solicitor General simply tell us whether he will be indicating to them through that process that both subsections 2(1) and 2(2) of the Retail Business Holidays Act should be enforced and that therefore they should be laying charges against both employers and employees? Is that the general instruction he has issued?

**Hon. Mr. Keyes:** My instructions are more general than that. As I indicated before, I do not attempt through the OPC to try to tell police forces under what sections of any act they are to lay charges. In my request yesterday to the OPC, I asked that it send a directive to police forces reminding them that the laws of the province must be upheld, particularly, at this time of the year, the Retail Business Holidays Act.

Interjections.

**Mr. Speaker:** Order. The member for Essex North would like to ask a question. He is waiting patiently.

#### FLOODING

**Mr. Hayes:** My question is to the Minister of Natural Resources. The minister will be aware from the figures I released on Friday that the levels of Lakes St. Clair, Huron and Erie in October were above the previous high levels recorded for that month. Now that the International Joint Commission has publicly stated that measures can be taken to lower the levels in the Great Lakes, will the minister take immediate action to lower the water levels in the Great Lakes?

**Hon. Mr. Kerrio:** I also have read the report from the International Joint Commission, and it has not made that kind of statement. The statement is very clear that they will be examining all the options that might be undertaken. They are not suggesting that they are going to take action on those initiatives.

**Mr. Hayes:** I suggest the minister read this report very carefully, especially page 4. I am asking the minister to take action; I am not asking what kind of action the IJC is taking. He should be using some of his authority.

When the minister's task force travelled around the province and toured some of the areas with the high water problem, several people and groups told the task force that the way to solve the problem of flooding was to lower the water



levels. The task force responded that discussing lowering the levels was not part of its mandate. Will the minister tell us why the task force was not allowed to discuss ways and means of lowering the lake levels?

**Hon. Mr. Kerrio:** The task force has done one of the best jobs that has ever been done in examining the whole circumstance. It is very clear that the water levels in the Great Lakes are the responsibility of the two federal governments and that the provincial government does not have the ability to enter into the level controls of the Great Lakes.

To specify what I told the member previously, it is very specific that the IJC is reviewing the recommendations they are suggesting; it is not taking action.

On many occasions I have talked to the Honourable Tom McMillan in Ottawa and to the IJC, to all those people. It is obvious, as the IJC has suggested, that the federal government should be the lead agency; it should take the initiative, and Ontario is most willing to co-operate with it when it takes that initiative.

#### IMMIGRANT SERVICES

**Ms. Hart:** My question is of the Minister of Citizenship and Culture. In my riding of York East, I have quite a large number of immigrant women who call my constituency office asking what services are available to them to deal with their problems. One question that comes up from time to time is what services are available in the area of family violence. Does the minister have any programs that deal with these very real concerns that are being raised?

**Hon. Ms. Munro:** Yes. As I said many times before, the ministry owes much of its success to the fact that our programs are placed within the community so that, as a first instance, immigrant women in the province have access to services from organizations that are friendly to them.

We have funded specific programs for women dealing with family violence. In fact, I have just authorized payments to three shelter organizations to do that very thing. We have also funded women's centres in general to provide them with skills money to make sure women enter into the world of work as early as possible.

The most important thing I believe we are doing is to try to provide English-language skills which also allow the woman to bring children to the community centre along with her, otherwise women would never be able to take advantage of our programs.

**Ms. Hart:** The minister has raised another area of interest that is raised quite frequently in my constituency office. It deals with how immigrant women get into the work force in Ontario. Can the minister please elaborate as to what services are available?

**Hon. Ms. Munro:** While time is short, I will mention two programs. We have the English-as-a-second-language course, which is accessed primarily by women; 70 per cent of people in the course are women. It talks about how to fill out résumés and how to look for a job. The other program is English in the work place, which also teaches women how to use computers and therefore get their first jobs.

I am comfortable that we will be able to continue working on these kinds of programs. I know the members over there are all interested since they all know women.

#### NOTICE OF DISSATISFACTION

**Mr. Speaker:** Pursuant to standing order 30, the member for Carleton-Grenville (Mr. Sterling) gave notice yesterday of his dissatisfaction with the answer given by the Attorney General (Mr. Scott) to his question. This matter will be debated at 6 p.m. this evening.

#### PETITIONS

##### SUNDAY TRADING

**Mr. O'Connor:** I have the honour of presenting a petition which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"As members of the board of directors of the People for Sunday Association of Canada and as members of the Ontario Committee for the Regulation of Sunday and Holiday Retailing, we urge the government to oppose any changes in the Retail Business Holidays Act that would permit additional stores to open on Sundays and holidays, and respectfully ask that all three political parties take under consideration the sentiments as expressed by 108,892 Ontario citizens who have duly signed postcards, here attached, so stating their opposition to additional Sunday and holiday retailing."

15:00

Interjections.

**Hon. Mr. Scott:** Mr. Speaker, on a point of order: the member for Oakville has been good enough to provide to me these petitions against an open Sunday, which I am delighted to have.

They should really all be directed to the Leader of the Opposition (Mr. Grossman), who has made clear that he supports an open Sunday.

**Mr. Speaker:** That is not a point of order.

Interjections.

**Mr. Speaker:** If I can have your attention, there are other members who wish to present petitions.

Interjections.

**Mr. Speaker:** Order.

#### PENSION FUNDS

**Mr. McGuigan:** I have a petition signed by several hundred people in the Niagara-St. Catharines-Welland area.

"Moneys in company pension funds have been considered a trust on behalf of employees and a condition of employment. Therefore, we, the undersigned, protest the proposed legislation of the Ontario government to permit the withdrawal of moneys from company pension funds, whether they are considered surplus or by any other term that might be applied, and favour legislation to limit the ratio of funds banked in relation to payout on a one-to-one basis unless full indexing re the cost of living has been applied or adjusted for both the present and past years of the high inflationary period."

#### CONDOMINIUM LEGISLATION

**Mr. Cousens:** I have petitions from constituents in Thornhill and Richmond Hill, from condominiums at 7811 Yonge Street and 140 Confederation Way in Thornhill, 40 Baif Boulevard, 50 Baif Boulevard and 70 Baif Boulevard in Richmond Hill and 21 Elizabeth Street. All these condominium owners beg leave to petition the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"The undersigned beg leave to petition the parliament of Ontario strongly urging the government to review the current treatment of condominiums with regard to assessment so that condominiums will be assessed on the same basis as owner-occupied, single-family residences."

These petitions are presented in the hope that the government will begin to resolve this very serious problem for people on fixed incomes who can no longer continue to pay the high taxes they are currently being charged.

#### INTRODUCTION OF BILL

##### GAME AND FISH AMENDMENT ACT

Hon. Mr. Kerrio moved first reading of Bill 166, An Act to amend the Game and Fish Act.

Motion agreed to.

**Hon. Mr. Kerrio:** Contrary to what the member for Cochrane South (Mr. Pope) says, this bill is going to do a great deal for the tourist industry and for northern Ontario. Nothing but good can flow from this bill.

#### ORDERS OF THE DAY

House in committee of the whole.

#### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT (continued)

Resuming consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

**Hon. Mr. Nixon:** On a point of order, Mr. Chairman: Since a number of members want to order their busy schedules this afternoon, I can announce to the House that it is expected the debate will be completed this afternoon.

**Mr. Chairman:** I do not know about that being a point of order, but thank you.

On section 18:

**Mr. Leluk:** I welcome the opportunity to speak to the amendment to section 18.

Interjections.

**Mr. Chairman:** Order.

**Mr. Leluk:** If I might start over again, I welcome this opportunity to speak to the amendment to section 18, which deals with sexual orientation.

In my 15 years as a member of this Legislative Assembly, I believe we have had very few more sensitive, emotional and contentious issues before this House as the one that is currently before us.

Much has been said over the past number of days, and it is difficult not to be somewhat repetitive. I will try not to be. However, I feel the importance of this bill before the House requires repetition, because many of the things that are being said here and have been said in this Legislature have fallen on deaf ears across the House.

This last-minute amendment, which would add the words "sexual orientation" to the Ontario Human Rights Code, would prohibit discrimination against homosexuals and lesbians. The government's stated purpose for Bill 7 was to bring various laws, including the Ontario Human Rights Code, into conformity with the federal Charter of Rights and Freedoms. Section 15 of the charter, however, is silent on the matter of



discrimination by reason of sexual orientation. Sexual orientation refers to a sexual preference which includes homosexuality and lesbianism, and which could include paedophilia and necrophilia.

Since there is no existing conflict between the Ontario code and the federal Charter of Rights and Freedoms in this regard, section 18 of the code need not be amended at this time. This amendment meets none of the traditional requirements for human rights protection that protect morally neutral and unchangeable status and not behaviour. Therefore, this is an inappropriate addition to the Human Rights Code.

It is generally accepted that sex as a protected classification in human rights legislation refers to gender, the inherent characteristic of being male or female, and not to sexual activities or propensities.

#### 15:10

Courts in the US have consistently held that the prohibition of sex discrimination in civil rights statutes and ordinances is not intended to protect homosexuals, lesbians and transsexuals. Canadian courts have adopted a similar interpretation in this regard. If passed, the amendment will have the effect of granting to one group in our society a special status or privileges not enjoyed by others.

The Attorney General (Mr. Scott) stated during his remarks that it is not the purpose of the legislation to exalt the status of the gays. I beg to differ with him in this regard, as do many others. The provisions of the Canadian Charter of Rights and Freedoms guarantee freedom from discrimination based on morally neutral or unchangeable status and not behaviour. Homosexuality is acquired behaviour; therefore, sexual orientation would create special privileges with respect to behaviour and not unchangeable status.

Once sexual orientation becomes enshrined in the code, if this amendment should pass in this House, it would become an accepted norm in society on the same basis as creed, colour, race, age, nationality, ethnic origin, etc. It would legitimize an alternative lifestyle on the same level as the traditional family. Should we expect chronic drinkers and smokers to be added to the Human Rights Code as a group because their behaviour may adversely affect their chances of employment? Where does one draw the line? Should criminal behaviour also be enshrined in the code?

In Ontario, homosexuals and lesbians currently enjoy the same legal rights and fundamental freedoms as any other citizen, rights of employ-

ment, freedom to conduct business, free speech, freedom of association, the exercising of religious preference, etc. Homosexuals cannot be dismissed from their employment except for just cause, the same as all other employees. One may disagree with a person's sexual preference without denying that person his or her rights.

In the November 25 Instant Hansard on page L-1545-1, the Attorney General stated that "we must regard moral questions as personal matters, not governmental matters." As the chief law officer of this province, does he not agree that it is difficult to divorce morality from the law?

The Attorney General makes reference to the late US president, John Fitzgerald Kennedy, and to the governor of the state of New York, Mario Cuomo. He states that when President Kennedy met with the Houston ministers, they said to him that he could not be president of the US. When he asked why not, they said, "You cannot be President of this country, because you have a particular moral value as a Roman Catholic that makes you unsuitable."

The Attorney General goes on to say, "Ever since Houston, I do not believe that in a pluralistic society, no matter how important our own moral values are, no matter how firmly we hold to them and no matter how they regulate every aspect of our lives, we can permit this Legislature to enact the moral values of anybody, no matter how firmly they are held."

I would like to bring to the Attorney General's attention a comment with which he is no doubt familiar. British Chief Justice Lord Denning, on the topic of divorcing morality from the law arose, warned, "Without religion, there can be no morality and without morality, there can be no law."

To use the coercive power of law to force citizens of this province to violate their consciences or religious convictions is fundamentally repugnant to the constitutional freedom of conscience and religion that we enjoy in this province.

I want to talk about the process by which we find section 18 of Bill 7 before this House. I represent 82,000 constituents in the riding of York West. I am proud to be standing up today speaking on this very contentious, sensitive and moral issue, because the citizens of my riding have been denied their democratic right to be heard on this issue.

When this government came into power, the Premier (Mr. Peterson) stood in this House and said his was going to be an open government with no doors and no barriers. His doors were always



going to be open for the citizens of this province. He wanted to hear from them. The same government that talked about its openness has practised a form of closure before the fact by not allowing the people of this province an opportunity to be heard on this issue and to have input at some public forum. I cannot be critical enough of a government that does that type of thing. We all believe in the democratic process in this House. It is fundamental to the political process we have enjoyed over the years, that is, we used to enjoy before that particular date, in May 1985.

I would like to quote some parts of letters I have received that deal with this very matter. Big Brothers of Canada, with 65 agencies in Ontario, including more than 4,000 Big Brothers and Sisters and some 1,500 volunteer board members, wrote to me, as I am sure they have written to all members in this House, stating, "We respectfully urge the government to reconsider this legislation, at least until there has been an opportunity for full public discussion and citizen input."

I received a letter from the Coalition for Family Values, which states, "Surely an issue that addresses some of the most difficult moral and religious concerns of Canadians cries out for thoughtful public debate and scrutiny."

I have another one from a concerned businessman in my constituency, who says, "I was shocked and alarmed to learn recently that an amendment to Bill 7 was introduced after second reading to the standing committee on administration of justice on May 6, 1986, by the insertion of 'sexual orientation' in the Human Rights Code of Ontario." He goes on to say: "Why was this amendment smuggled in after second reading, thus short-circuiting normal and proper public consultation and scrutiny? This is a devious behaviour."

The brief from the Evangelical Fellowship of Canada on homosexual legislation states: "The Evangelical Fellowship of Canada is deeply distressed at the hasty and secretive manner in which the Attorney General of Ontario and the provincial justice committee have rushed the amendments through committee and back into the Legislature behind closed doors, away from the circumspectful eye of the general public and without the benefit of informed public comment. Surely an issue that addresses 'some of the most difficult moral and religious concerns of Canadians,' to use the words of the federal government's Towards Equality report, cries out for public debate and scrutiny. It would be wrong for the Ontario Legislature to interpret the stillness

of the public on this issue as a lack of public interest."

"The stillness of the public is not due to a lack of interest but, rather, to a lack of awareness about the amendment being proposed and its profound social and religious implications."

**15:20**

I have another one here from a business person in my riding, who says: "It has just been brought to my attention that the Ontario government is attempting to ram through a totally disgusting piece of legislation whose effect will be to force the population to hire homosexuals and to be penalized for refusing. I understand that this is an amendment added to Bill 7 after second reading, thereby preventing proper public input and discussion."

I have a letter from the Ontario Conference of Catholic Bishops, which has been referred to on a number of occasions. It says: "We deplore the attempt to pass Bill 7 without the widespread consultation and discussion which will permit the citizens of Ontario to express their will concerning it. Therefore, we urgently request the government to postpone any action on Bill 7 until such consultation has taken place. Moreover, we ask our fellow citizens to write or telephone at once to their MPP."

The member for St. George (Ms. Fish), who spoke in this House yesterday, made some statements to which I take very strong exception. As a Catholic, I take strong exception to the member for St. George who, during her presentation, accused the Roman Catholic Church, which is my church, of promoting a terrible campaign of hatred against homosexuals. She called members of this caucus and others in this House bigots.

When she talks about her personal morality, maybe she does not believe in the church or in marriage, but that is her belief and her right, to which she is entitled. On the other hand, I happen to be someone who has a religion. I am Catholic. I believe in the family and I believe in marriage in the church.

Did the member for St. George say to this House yesterday that the two million to four million Ontarians who are members of Catholic churches are all bigots promoting hatred on this particular issue? Is she saying that the churches do not have the right in this province to express a moral and religious view on this particular legislation? I believe she owes the members of this House on both sides an apology for having made those statements. I resent them very strongly.

I commend the member for Erie (Mr. Haggerty) and the member for Grey (Mr. McKessock), who had the courage of their convictions to stand up in this House and speak what they believe in and what their constituents have been telling them they believe in.

Although the Premier is limiting discussion on that side of the House by asking the members of the government to vote in favour of this amendment, I find it very difficult to believe that members such as the member for Kitchener-Wilmot (Mr. Sweeney), the member for Windsor-Walkerville (Mr. Newman) or the member for Quinte (Mr. O'Neil) will stand up in this House and vote for this legislation. I have my doubts.

The people in this province are going to be watching to see how the vote goes on this issue. One cannot hide behind the fact that weather conditions are bad or one is ill or is going to be away today for some other reason. The people will expect each and every member in this House to stand up and be counted on this issue, because it is a very important issue. Those members who choose to stay out of this House purposely because they do not want to stand up and be counted will, by their absence, be voting for this amendment.

**Mr. Laughren:** Voting with their feet.

**Mr. Leluk:** I hope you are going to be here to vote for it.

**Mr. Rae:** We will. Don't worry.

**Mr. Leluk:** I know you will.

I would like to put a few more quotes on the record from letters from within my own riding. In a letter from the Queensway Cathedral, the Rev. Ralph Rutledge wrote to me and stated:

"On behalf of the Queensway Cathedral, we express grave concern regarding the sexual orientation clause which has been submitted for inclusion in Bill 7. The inclusion of a sexual orientation clause is providing for a particular group of individuals special recognition which is not accorded any other group within society. Homosexuals and lesbians presently enjoy the same legal rights and fundamental freedoms, such as employment, freedom to conduct business, free speech, freedom of association, the exercising of religious preferences, as do heterosexuals."

He further says: "As the intent of the legislation is to provide special recognition to homosexuals and lesbians, the rest of society, in effect, will be experiencing reverse discrimination in face of this legislation. The implications of such legislation are profound, including:

1. "Sexual orientation is a vague, undefined and open-ended phrase. Not only would it extend legal support to homosexual behaviour, but it could open the door to other sexual behaviour, such as sexual interest in children and animals."

**Mr. Wildman:** Oh, come on.

**Mr. Leluk:** I am reading a letter. Why do you not go back to sleep? I am quoting somebody. To continue:

2. "Social agencies, such as those that provide services and companionship to children of single parents and others in need of care, could lose their right to set their own standards of conduct for volunteers and employees.

3. "Schools, day care centres, or group homes could be forced to employ those whose code of conduct and sexual orientation is incompatible with the established practices of the religious community.

4. "The legislation could affect the traditional right of religious groups to hire only those staff members whose lifestyle is faithful to the beliefs and practices of the religious community." I know the member for Kitchener-Wilmot (Mr. Sweeney) will agree with that 100 per cent.

**15:30**

5. "Such an amendment could remove the unique status of marriage and the family as the fundamental unit of our society.

6. "The family could be redefined. Homosexual and lesbian marriages could be legalized, together with the adoption of children.

7. "Government and other agencies could be obliged to extend insurance and other benefits to homosexual partners.

8. "Home owners would lose all freedom in deciding whether or not to rent to homosexuals or lesbians.

9. "Employers would lose the right to refuse employment to homosexuals, who in flaunting their particular lifestyle conduct themselves in a manner incompatible with the standards set by their employers for dealing with customers and other employees."

I have a host of letters here, but I am not going to take the time of this House to read them into the record. Nevertheless, they are important and are concerned with this amendment before the House.

Mr. Chairman, yesterday the member for High Park-Swansea (Mr. Shymko) spoke on the question of the democratic process by which this amendment arrived before us in this House.

Interjections.



**Mr. Chairman:** Order.

**Mr. Leluk:** Mr. Chairman, can we contain those NDP members on my left.

He said the manner in which this amendment arrived here denied the public its right to be heard. The member for Sudbury East (Mr. Martel) got up in this House yesterday and began to espouse the fact that there had been public hearings on this amendment. He was asked by the member for High Park-Swansea to provide some dates when this took place. The fact is there have been no public hearings, none at all.

The member for High Park-Swansea then began to discuss the process, which he called a mockery of what we know to be the traditional political process, because there were no public hearings. He stated that he was going to boycott the vote because the whole process was a sham. We all have to search our consciences as members of this Legislature, and I do not believe one can hide behind that kind of statement, that because he does not agree with the process, he is going to boycott the vote when it takes place.

**Mr. Wildman:** I agree with you on that.

**Mr. Leluk:** Then perhaps the member for Algoma will be absent for the vote.

Since there are other speakers who want to be heard, I will close by asking all members of this House to search their consciences and to be here to be counted when the vote is taken. This is too important an issue for members to walk away from and turn their backs on. I hope that when the vote is taken we are going to see the 50 Liberal members on the government side all standing up one way or another and being counted.

**Hon. Mr. Wrye:** I am honoured to take part in this debate as the Minister of Labour and as the minister responsible for the Human Rights Code. I rise to offer my support for this amendment.

When the issue first came before the House, back in 1981, I voted in favour of the amendment and I shall do so again today. I commend those colleagues whose minds have changed or whose thinking has evolved from opposition to support on this matter during the intervening five years and who have had the determination, or will show the determination later today or tomorrow, to say so. In matters of principle and conviction, sincerity is always a little more important than consistency.

To say that the debate thus far has been a passionate one is to speak in a grand understatement. Members have spoken with strong emotion and with deep feeling. To some extent—I say this with respect and deference to my colleagues who oppose this amendment—the strength of the

emotion and the depth of the feeling are attributable to a misconception of what this amendment intends and what it achieves.

This amendment does not approve or condone homosexuality; rather, it disapproves and condemns discrimination. The amendment does not confer special status; it attempts to ensure equal treatment. This amendment will not lead to the ruination of the traditional family; it simply says that those persons who do not live in traditional family ways will not be treated as pariahs or social outcasts in our community. It is on these three aspects of the debate that I want to spend a few short minutes.

The Ontario Human Rights Code is the great statement of this Legislative Assembly and of the people it represents and serves that in 1986 discrimination in Ontario is unacceptable, intolerable and totally undeserving of any claim upon our hearts and minds. To abhor discrimination is a simple thing in our modern age. It is the right thing and the only decent thing. The code abhors discrimination because discrimination is unjust and it is right to abhor injustice. This is clearly set out in the preamble to the code. Let me read one part of it.

“Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and wellbeing of the community and the province....”

I suggest to the members of the House that the key phrases in that passage are “dignity and worth of every person and to provide for equal rights and opportunities without discrimination.” The code does not prefer one religious belief above another, one creed above another, one race above another or one ethnic origin above another. It does not express the superiority of one set of personal practices above another.

Similarly, the amendment before the House does not offer an opinion one way or another on the matter of homosexuality. The code says discrimination against persons on the grounds set out in the essential areas of life is forbidden. The amendment says discrimination in those essential areas against persons who are or are perceived to be homosexuals because of their real or perceived homosexuality will also be forbidden.

Certain members have made the argument that this amendment would confer special status on



homosexuals. That is simply not true. The Human Rights Code does not elevate one group above another, nor must it allow, through omission, for diminishing one group below another. The code simply equalizes. It does so because we in Ontario hold fast and dear to the belief that every person is deserving of respect by virtue of the simple fact that he is a person, no less or no more than any other member of the human family.

This belief lies at the very heart of our democracy, indeed of all democracies. Equality is the foundation on which rests the concept of one person, one vote. It is the very life strength of our society. It is this belief that inspires and gives meaning to our laws in the way we govern ourselves for the benefit of everyone in our community.

#### 15:40

Is it conceivable that in Ontario we would be able to say, "I am authorized by law to refuse you shelter, food, goods, services and common decency, the common essentials of life, because I consider you or your group inferior to me?" In Ontario in 1986, it is not conceivable. In Ontario in 1986, it should not be allowed.

The real tragedy of discrimination is that it wounds and humiliates its victims. It does more. It also poisons the discriminator with the slow, insidious poison of intolerance and then, soon and eventually, indifference. But it does even more still. It corrupts the society that gives it sanctuary. I stand opposed to that kind of corruption and intolerance, and I stand opposed to that kind of indifference.

The third and most commonly repeated argument against this amendment has been that it augurs the destruction of the traditional family. There is simply no basis in law or in fact for this. The code is very clear on the meaning of family, marriage and spouse in its definition sections. It leaves no room for doubt. There is no ambiguity in the words used in terms of the opposite sex. The amendment can in no way impair the clarity of these definitions, nor will it.

It was a week ago today that I flew to Quebec to a conference of ministers of labour. I arrived early that evening. Because it was possible that the vote would be held last week, I immediately sought to make arrangements to make a quick return to Toronto if the vote was held on Wednesday or Thursday.

On my way to dinner that evening, I was being driven to dinner by one of the assistants of my colleague from Quebec, the Honourable Pierre Paradis. He asked me why I had to come back for

an important vote; what it was on. I said it was to include an amendment on sexual orientation in the Human Rights Code. His response was an interesting one. He said: "Why is this such a great debate? We have had sexual orientation in our code for seven years now. It has had absolutely no great controversy, caused no great effect," the kind of which we have heard in this Legislature.

What he sought to indicate to me, and I want to impart to all my colleagues in the Legislature, is that a lot of the concerns and fears that have been raised here during this debate simply will not happen with the passage of this amendment. It has not happened in Quebec, and it will not happen in Ontario.

As Minister of Labour, as a minister in the government and as a resident of Ontario, I do not think we ought to allow the laws of this province to permit casting aside as pariahs or outsiders any group within our community, without any lawful criminal cause. Long ago, decent and civilized culture spurned this credo of rejection, but it embraced the better belief that because all persons were created equal, all persons belonged in the community.

I urge my colleagues to consider the issues on the basis of the objectives and the statement of public policy expressed by the Human Rights Code; that is, on the basis of rejecting discrimination, of affirming equality, of rejecting distrust and suspicion and advancing respect and understanding.

I urge my colleagues to ask themselves, each and every one of us, whether we are not indeed our brother's keeper. Although our brothers may be unlike us, or perhaps misguided or in error or even astray, are they not none the less our brothers, and thus are we not none the less their keepers?

**Mr. Taylor:** I appreciate the opportunity to speak and oppose this section of the bill. Having listened attentively to the Attorney General (Mr. Scott), it struck me that the Minister of Labour (Mr. Wrye) should have been the person leading off the debate, not the Attorney General, because the Human Rights Code is under the jurisdiction of the Minister of Labour. I say that as the minister departs the assembly.

The point I am making is that Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms, is not an act to amend the Human Rights Code in any fundamental way. If it were, we should have had the Minister of Labour lead off the debate.

The Attorney General posed two questions or saw the problem as dual. I quote him as he spoke on November 25, when he stated:

"I sense that the difficulty some honourable members have about this amendment is dictated by one of two possibilities, both of which I respect. The first possibility is that it is opposed out of a kind of fear, and the second is that it is opposed on moral grounds. May I deal with each of those very briefly?" He goes on to deal with them, and I will quote a little more later.

I sense that the issue has two parts; one is form or process, and the other is substance. I have listened to my colleagues speak in the past days, and much has been made of the process or the form that has evolved in terms of the bill. Succinctly put, the issue is that if we as an assembly have some intention to amend the Human Rights Code in a substantive way, then we should introduce an amendment to the Human Rights Code and bring it forward as such. We should not slip it in the back door, so to speak, as a matter necessary to accommodate the Canadian Charter of Rights and Freedoms, because that is not so.

It has taken on an act of dishonesty, if I may be so bold as to put it that way, to introduce a substantive amendment that is not necessary. It was not originally in the bill. It was introduced while the bill was in committee and therefore lacked some of the process that one would normally engage in if it were a bill put forward to amend the Human Rights Code.

I was here, as some other members were, some years ago when we made substantial amendments to the Human Rights Code. I was concerned in the process, which covered the province in a very full and open way. I recall the Honourable Robert Elgie at that time was Minister of Labour. I am sure he was tormented for many months when dealing with the amendments that were introduced. I was concerned, and I was not reluctant in any way to state my concerns. I followed the minister, or he followed me, in refutation of some of the proposed amendments. I do not apologize for that. As a matter of fact, the code was amended substantially following that process before it was finally adopted by the assembly.

#### 15:50

It was that invitation to the public to come forward before the committee and it was the very thorough review of the proposed amendments that resulted in the changes that took place. I point this out simply as a source of major concern

by some of my colleagues in terms of the manner in which the amendment was introduced.

I ask the Attorney General, if he is listening, to withdraw this section and to introduce it in the way I have mentioned—that is, as an amendment as such to the Human Rights Code—so that it can be dealt with in that fashion. That is the fundamental test of democracy. It is what we have been hearing from many of the members and it would be a healthy exercise.

The government obviously is adamant in ensuring that the legislation as amended will now go through. Maybe the process that has been suggested, maybe the introduction of an amendment as I have mentioned, would not be productive because the government has made up its mind and will not be influenced in any way. If it is impervious to public opinion, then why waste the time of the assembly? Maybe that is the message we are getting from the Attorney General.

The Attorney General went on, in covering his two points of opposition—that is, opposition because of fear or opposition because of moral reasons—by making the following statements. Let me read the brief few lines that are here. He said:

"I do not believe that this bill, properly understood, has anything to do with those moral values. We must regard moral questions as personal matters, not governmental matters, because as soon as a moral question becomes a governmental question, then we have a tyranny over which there is no control. I do not believe we can permit this Legislature to enact the moral values of anybody, no matter how firmly they are held."

That struck me as rather strange. I have never seen the law that way. I have seen the law evolve from customs and mores. If the mores or acceptable behaviour become the morals of society, morals are often manifested in terms of legislation. I suppose a good example of such legislation is our Criminal Code, which certainly deals with the oughts and the ought-nots, what one should do and what one should not do. We have it clearly defined in terms of our whole educational process.

If I might turn to the Education Act, I would like to read subsection 235 (1)(c), which was picked up in the previous legislation, the Schools Administration Act, as some members may recall.

Here we are dealing with the duties of teachers. "It is the duty of a teacher...to inculcate by precept and example respect for religion and



the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues."

There surely is no clearer manifestation of public policy in legislation. We are talking about the teaching of moral precepts through our school systems and those precepts are religious precepts as well. When we come to the moral issue, we have a great deal of soul-searching to do, as has been said here today. I usually respect the views of my colleagues, whoever they are. I think some have been strident and some have been most opinionated. I do not think any of us should be intolerant no matter what.

I do not appreciate being accused of bigotry or intolerance, any more than anyone else does. If one cannot tolerate intolerance, one becomes intolerant oneself. As politicians, we have to have skin thick enough to ward off those types of remarks and not chastise too severely those colleagues who may not agree with one another.

I see the moral issue as a very strong one, the issue of religious faith. It was interesting listening to the member for Humber (Mr. Henderson) in this debate. He did a great deal of soul-searching. He is a psychiatrist and a very thoughtful person, who gave the professional opinion, as I understood it, that homosexuality was really a matter of environmental influence subject to, or together with, the predisposition that was there as a result of the person's makeup.

As I understood the speech of my colleague the member for St. George yesterday, she was convinced it was not environmental, that it was really a matter of biology. I suppose the makeup of the person predetermines that person's orientation in sexual matters.

Here we have a difference of views from two members, which may prompt different conclusions. At the same time, a great many members, certainly in our party, suggest that if the Liberal Party opened its caucus doors to others, one would sense or experience a considerable debate on this issue as well.

**Mr. Ashe:** This is putting it mildly.

**Mr. Taylor:** Am I underestimating? Hyperbole is not one of my trademarks, so I did not want to overstate it.

I think there is a great deal of division within the Liberal Party. I know their sense of loyalty and oneness will be demonstrated in an almost unanimous vote. There are some who have the power of their convictions and who stand firm—and for them I have nothing but respect—

from all sides of the House, even in the New Democratic Party. I always hesitate to analyse that particular party, and its members thank me on occasion for that. I suspect there might even be one or two members there who express some difference in opinion.

Here we have people with deep moral and religious convictions who have been raised to hold certain views on what is right and what is wrong, who think it is wrong. They sense that what we are doing is actually creating a privileged position for a certain segment of our society that does not need it.

#### 16:00

One concern I have with this legislation, and had with the legislation in 1981 when the amendments and the extensive changes took place, is the process. It is not just what is written in the law but also the implementation of the law, the procedure. It is the Ontario Human Rights Commission itself. It is the opportunity for people of ill will to exploit a piece of legislation such as this to advance their own cause.

I see the potential for abuse of the system. Looking at the report of the Ontario Human Rights Commission for last year, I note that it had a backlog of 1,200 complaints and had to take on an additional 47 staff members. It is a very active industry. I can understand that we might be inviting more activity in this area, which is not bad if it discharges the true intent and spirit of the legislation.

If someone comes to you for employment, I am sure that most of the time you would not know and would not care what that person's sexual orientation is, whether it is heterosexual, homosexual or whatever type of sexual activities he or she engages in; it would not show. You do not write it across your T-shirt or hold up a placard and campaign or advertise it. You do not do that type of thing.

It is a personal matter. It is something that should be respected. However, if a person chooses to manifest that orientation in some way, whether it is by dress or other type of behaviour or makeup, that person is inviting discrimination.

All discrimination is not necessarily bad. I think of the Premier in the choice of his cabinet. I sat back and thought: "On what basis would the Premier choose his cabinet? Would matters of sex come into it? Would he want a woman in his cabinet? Would he want some ethnic, racial or cultural backgrounds represented? Would he want certain religions represented?"



As a mental exercise, I went through the cabinet to see to what extent discrimination was exercised in the makeup of the Liberal cabinet. I suggest there is probably nothing wrong with that. Whether we know it or not, we often discriminate but not in a harmful way. I do not think at present there is ill will in terms of discriminating in a harmful way because of someone's predisposition.

If a law is not needed, why pass it when it can open the opportunity for others to abuse it and victimize it? This troubles me. As legislators, we should get out into the province. We should see what we are doing. We should see how the legislation translates. I have spoken on this in connection with business, in connection with the rules, regulations and obstacles. I do not care whether it concerns housing, small businessmen or whatever. We sit here and pass laws.

We brag about the number of laws we have passed in a year. The hallmark of a government's success is the amount of legislation it puts through this House. I question whether this is beneficial to the people of Ontario who often are only crying to get the government off their backs.

I look at this and I wonder why we have to do it. In my riding, I must confess I have had one letter of support from a constituent and another letter from someone who was but is no longer a constituent. However, like other members, I have had thousands of representations, collectively or individually, in opposition to this legislation.

I sense a will of the majority there. As a legislator, I have respect for the will of the majority. In a democratic society, it is the will of the majority that governs. Again, I wonder why it is so necessary for the government to accede to an amendment to a bill drafted by the previous government that brings various statutes into line with the federal Charter of Rights and Freedoms, an amendment that was not there, was not necessary but has been worked in in this way.

It is the process and the need for this that concern me, as they have concerned my colleagues; and as they are of fundamental concern to citizens with regard to the morality and the impingement on religious faith. I am anxious to put myself on the record and to ask why. What is prompting this?

Are we trying now to develop affirmative action programs? The Human Rights Code provides for affirmative action programs. If there is a group or a class of persons that are disadvantaged in some way, there are provisions within the Human Rights Code to discriminate in

a reverse manner to assist those persons. Therefore, if we carry this provision on sexual orientation into the Human Rights Code and apply the various other sections of that code, then we see the potential for abuse.

For example, there is a provision for a claimant to be awarded up to \$10,000 for mental anguish. I have experienced cases, not personally but cases that have been brought to my attention, where the investigators under the commission—and they are legion—have called on persons and have insisted on some type of settlement. You negotiate. A business person or someone trying to get along is not very happy about being paraded before boards of inquiry or the human rights commission. Any cause of action is worth something, and the Attorney General, who is now here, knows that. It is worth something, and so you settle those things.

It is like the lady who was fired because she was not performing her function as a Santa Claus very well. The Attorney General may remember that. He should read about it. The children were not taking to her very well as Santa Claus. They were starting to doubt the existence of Santa Claus—her credibility was not all that great—and so she was let go. She made a claim to the human rights commission. There was a settlement, and I think \$2,000 was awarded to her as a result of that claim, because she did not make a very good Santa Claus.

We have examples such as these where a system can be mined or exploited to advance someone else's position or for personal gain. We have to look at the act as a whole. If we brought in an amendment to the Human Rights Code and if the Minister of Labour, who is responsible for that code, carried the can, I am sure that would relieve the Attorney General of a lot; then we could let the process take place and we would get a better sense of how the public of Ontario feels about this type of amendment.

I have tried to be temperate and not to express too much bias. I subscribe in a personal sense to the position and the feelings of my constituents. I thank you, Mr. Chairman, for the opportunity to put myself and the people of Prince Edward-Lennox on record in opposition to this section of the bill.

**16:10**

**Mr. Gillies:** I am very pleased to join this debate and to join with the members of the House who will be voting—and I might say in a personal way proudly voting—in favour of the amendment to section 18 of Bill 7.

I have been here in my seat through the past week for most of the debate, and I have tried to listen with varying degrees of patience to the arguments being made on both sides of this very controversial bill. I appreciate, as I am sure you, Mr. Chairman, and other members of the assembly do, that people have brought a great deal of conviction and passion, as my colleague said, to this debate. While I disagree with many who have spoken on this bill, I do not believe things have been said by people in this debate out of convenience and I hope not out of politics; regardless of whether I as an individual believe them to be misguided or not, I believe these things to have been said with conviction.

We debate so many mundane things in this House. I am sure many members will agree with me that there are so many details of so many bills and so many things that, if changed or left unchanged, will not have a profound effect on our society and will not change in any way the degree of tolerance in our society.

This debate is different. I view this debate in the same way as we would have viewed the recent debate on Bill 8 and the changes brought forward to extend the rights to francophone citizens in our province. I view this debate in very much the same vein as I viewed the debate on the Constitution that was held in this House, where major issues, issues that affect the day-to-day lives of thousands of Ontario citizens are before us and where the ultimate decision on these crucial matters is left to the 125 people who are favoured by nine million electors to represent their views.

Conscious of this weighty responsibility, I look back to some very wise words indeed when the late, great President of the United States, John F. Kennedy, gave the following charge to the Massachusetts Legislature in 1961:

"For of those to whom much is given, much is required, and when at some future date the high court of history sits in judgement on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure in whatever office we hold will be measured by the answers to four questions.

"First, were we truly men of courage? Second, were we truly men of judgement? Third, were we truly men of integrity; and finally, were we truly men of dedication?"

Under any one of those four criteria, and indeed taking those four criteria as a whole, I believe the right and just thing to do in this Legislature today is to correct a historic injustice and grant equal rights under our Human Rights

Code to our gay and lesbian brothers and sisters. I believe this is in the best tradition and in keeping with the history of the House, and I say to my colleagues, many of whom I know disagree with me on this issue, it is very much in keeping with the finest traditions of the Progressive Conservative Party.

I draw members' attention to the introduction of the first Racial Discrimination Act by the Frost government in this great province; the introduction of the first Ontario Human Rights Code in the province by the Robarts government in 1962; and the amendment and the enrichment of the Ontario Human Rights Code by the Davis government in 1981. Now we have the opportunity to further extend and enrich the rights under that code.

Members ask themselves—and I think it is a very legitimate question—is this amendment necessary? Are homosexuals discriminated against in our society? I believe that to be the case. I have referred to a number of works on this subject and would like to quote from the book *Equality Rights and the Canadian Charter of Rights and Freedoms*, which talks very specifically about the necessity for specific protection for these people. It states:

"The equal protection section of the Charter of Rights and Freedoms, section 15, follows the pattern of all Canadian human rights enactments, except those in Quebec, in specifying sex among the prohibited grounds of discrimination while omitting sexual orientation. In the absence of specific legislative protection, Canadians who have complained formally of discrimination on the grounds of sexual orientation have attempted to gain standing under the heading of sex.

"One of the earlier cases, *Damien vs. the Ontario Racing Commission*, made it clear that complainants would not be allowed to read in 'sexual orientation' where it was not written. *Damien*, an experienced racetrack groom, claimed he was fired for no other reason than that his employers learned he was homosexual. He complained to the Ontario Human Rights Commission that he had been refused employment on the basis of sexual orientation. The commission told *Damien* that it could not accept his complaint because the Ontario Human Rights Code does not prohibit discrimination on that ground, and therefore it lacked jurisdiction. *Damien* was obliged to seek his remedies in the courts in a civil action based on wrongful dismissal.

"In 1977, the human rights commission itself sought to remedy this omission, among others, with a formal recommendation to the Ontario



government that sexual orientation should be included in an amended code. No action was taken for four years. Then the issue was debated in the provincial Legislature with passion for some days in the fall of 1981. An opposition amendment to include sexual orientation was defeated in committee.

"When Ontario proclaimed its new code in force on June 15, 1982, sexual orientation was not included among its 13 enumerated prohibited grounds. In Ontario, it is obvious that without specific mention, sexual orientation is not a legal ground for complaints under human rights legislation."

I believe this specific amendment is needed. We cannot assume that any generalized clause or mention under the Human Rights Code is sufficient to protect these people.

I guess the next question we have to ask ourselves is at the very crux of this debate. Are homosexual citizens of this province, people whose sexual orientation varies from that which is considered to be in the mainstream, being discriminated against in our society? Clearly, this is the case.

I wonder how many members of this assembly have had somebody come to them in their constituency offices, or telephone them, in their years of service in this chamber, complaining about the denial of accommodation, the denial or loss of employment or the denial of government services? We know it happens. It is happening.

Recently, I called a friend of mine in Chicago, a rather noted Bible scholar, because I wanted his advice in preparing for this debate, and he told me it was a widespread and unhappy phenomenon in the United States that people suffering from the dreaded disease of acquired immune deficiency syndrome were running into problems in obtaining proper and adequate hospital service in various parts of the US.

**16:20**

This clergyman told me a heart-rending story of a young gay man in Philadelphia who was diagnosed with AIDS and told by his doctor that he likely had no more than two or three weeks to live. He went to the hospital and was provided with service, but this young man's partner in life was refused the right to visit him because he was not a member of the immediate family. The family in this case completely dissociated themselves from their son, refused to visit him and refused to acknowledge him as their son. This young man died alone in his hospital room with only his clergyman to offer him comfort.

I thank the Lord, in whom I believe so strongly, that I have not heard a similar story in our province; but I do believe that under the Human Rights Code, unamended, it could happen. I also believe it is not in the spirit of tolerance and not in keeping with the spirit of good government that we would allow such discrimination to take place.

Two weeks ago, representatives of each caucus from this Legislature were invited to speak at a large rally being held by the gay community in this city. I know my colleague the leader of the third party and the member for London South (Ms. E. J. Smith) went. I was invited to attend. Obviously, the organizers knew my publicly stated position that I would be supporting this amendment.

I must say I wrestled with the decision about whether to attend that rally. To take such a public stand on such an emotional issue can lead to misinterpretation. But I had to ask myself as a legislator in this province: What do I believe in? Why am I here? Why are any of us here?

I came up with a very simple answer: I am not here working with all members day by day to hold people down. I am not here to allow for the fostering or the promulgation of misunderstanding or hatred. Like all of us, I believe we are here to provide good government and to provide a framework that allows for the lifting up and the flowering of the human spirit. That is why I am here. There are a lot of other things that I could be doing, that any one of us could be doing, if we felt that all we were here for was to amend the Line Fences Act.

I went to the rally because it was consistent with my beliefs in tolerance that I do so. I must say—and I wonder whether my colleagues in the other parties had a similar experience—I was, while at once apprehensive, delighted with the experience. The people at the rally, the 1,300 law-abiding citizens of this province who were there, did not not seem to be very unhappy or filled with recrimination, doubt or anger. The feeling was almost one of celebration. But it was also the feeling of people who wanted to see a historic wrong righted. They welcomed the politicians. They welcomed our support. They made us feel at home. They made us know they understood the bridges we had to cross to get to the St. Lawrence Market that night. I have to say I left that hall that evening a very happy man. I left feeling that perhaps in some small way we had accomplished something that night.

Some of my colleagues have raised issues of personal morality and religion. This debate



certainly can be approached from the aspect of secular humanism, but I approach this debate as a Christian. One of the reasons I am supporting this amendment is that I am a Christian. I do not often quote Scripture in this Legislature. Perhaps we would be better for doing it once in a while. I will quote from Romans 13:8 to 10:

"He who loves his neighbour has fulfilled the law. The commandments...are summed up in this sentence, 'You shall love your neighbour as yourself.' Love does no wrong to a neighbour; therefore love is the fulfilling of the law."

I further quote from the Gospel according to St. John, chapter 4: "If a man saith I love God and hate his brother he is a liar." You cannot say that you love your God and that you wish ill on your brother or sister, because in Scripture it says that to do so is a lie.

There is the question of morality. It has been refuted time and again in this House, but I think it bears refutation once again. This amendment can in no way supersede or interfere with the provisions of the Criminal Code. As I recall, the Criminal Code was amended in 1969 to allow for lawful homosexual acts between consenting adults, and that is all. Yet time and again I have heard people in this House raising bestiality, paedophilia, necrophilia, child abuse and any number of things that are simply not included and were never intended to be included in this amendment. When the changes were proposed in Ottawa before the House of Commons, the same arguments were made against them.

I have another quote. I savour this one. It is from the Honourable John Crosbie, a noted leftist I am sure all members will agree. John was asked in the House of Commons about this very issue when he proposed the changes under federal legislation. They said, "What about gay teachers molesting their students?" John Crosbie said:

"I don't want the heterosexual teacher interfering, if it is a male teacher, with my daughter. I don't give a damn if he is a heterosexual. If he puts a hand on my daughter he is going to get it in the neck another way. It is not a matter of heterosexuality or homosexuality. I do not want a homosexual touching my son. I want teachers who do what they are supposed to do: teach."

That is what John Crosbie had to say on that subject. I completely agree with him.

I sense from some of the arguments that have been made before the House that the doubts about this amendment are extensions of doubt about the necessity or the efficacy of the Human Rights Code itself. We could have a very interesting debate on the subject of whether a province needs

a Human Rights Code. I believe it does. I believe that one of the very solemn duties of government is to provide equality of opportunity.

I am a Conservative. I do not believe in a completely homogeneous society. I do not believe that if we started today and worked for aeons that we would ever see a time when all people were equal in ability, in judgement, in talent, in financial success or in professional success. We will never see that; but as a Progressive Conservative I believe passionately in equality of opportunity. That is what we are about.

As far as I am concerned, the Human Rights Code does not provide special benefits, special status or special recognition for any group within society; neither would it provide special recognition or special status for homosexuals in this society. What it does is to provide a framework for equality of opportunity, to allow people to reach their ultimate ambitions in our society without discrimination because of factors over which they have no control.

Other societies have not had human rights codes. Certainly Germany, from 1933 on, did not have a human rights code. Along with the millions of Jews, Jehovah's Witnesses, Gypsies and others who perished at the hands of that totalitarian society, hundreds of thousands of homosexuals perished.

Like prejudices against some of those other groups and many others we could talk about in this assembly, this is a historic prejudice; it is one that lingers on even today.

I have had dozens of letters opposed to this legislation. I have had the phone calls. It is most tempting in every case to vote as the majority of the people who contact you on a particular piece of legislation would have you vote, but I say to my friends that occasionally a time comes in this House where we have an opportunity to exercise judgement and to rise above the mundane; I believe this to be one of those cases.

## 16:30

I have been somewhat disappointed by the tone of this debate. I do not believe any member has willingly or knowingly put matters before the House that are not in this amendment. As I said earlier, the arguments on both sides have been made with a conviction and a belief that what these people are saying is correct. However, I cannot stand by idly when we have an opportunity to end an aspect of what is implicitly state-sanctioned discrimination. I cannot stand on the sidelines and vote against it, and I cannot

stand on the sidelines and absent myself from the vote.

I might conclude by quoting one of the great political leaders in the history of this country, who was a profound influence on me as a young boy, the Right Honourable John Diefenbaker, who in introducing Canada's original Bill of Rights said, as perhaps only he could:

"It is one of those steps which represents the achievement and the assurance of the degree of liberty and freedom, under law, that was envisaged by the Fathers of Confederation. I think it embodies a pledge to all Canadians. I am a Canadian, a free Canadian; free to speak without fear; free to stand for what I think right; free to oppose what I believe wrong. This heritage of freedom I pledge to uphold for myself and all mankind."

I believe John Diefenbaker was speaking for all Canadians when he said that. He said so in the finest traditions of this country; he said so in the finest traditions of the Progressive Conservative Party.

I have but one regret in standing to vote for this amendment to Bill 7, and that is that I have but one vote to cast.

**Mr. Jackson:** I am quite concerned that we are even having this debate in the Legislature, because it would have been far more appropriate had we been able to have a more thorough examination of section 18 specifically in the standing committee on administration of justice.

We are told by this new Liberal government that this bill is going to bring various laws, including the Ontario Human Rights Code, into conformity with our federal Charter of Rights. As a legislator, I was concerned to learn that there was a last-minute amendment to add the specific amendment of sexual orientation to the code. This, I was told, would provide the same protection and status as race, religion or sex. Despite the government's stated purpose of Bill 7, sexual orientation is not in the Canadian charter.

This amendment was tabled at the end of justice committee hearings, after most of the public discussions had already concluded. Because of its potential impact, this amendment requires a much wider hearing than was permitted in that committee.

The Liberal government refuses to consult publicly or clarify certain issues that have recently emerged about this bill. For instance, what is sexual orientation? We are told the amendment will eliminate discrimination against homosexuals in providing protection for them

beyond what is already guaranteed an Ontario citizen. In my view, this term is far too vague to be included in its present form.

As a former Halton school board trustee, I have concerns about the impact of Bill 7 on our school curriculum in Ontario. In our province today, the human development curriculum and the health guidelines of the Ministry of Education allow for the teaching of homosexuality as an alternative lifestyle. It is an optional program at the discretion of each school board. Once the concept of sexual orientation becomes enshrined in the Human Rights Code, by definition, it becomes an accepted norm in society on the same basis as creed, religion or sex. Therefore, just as those precepts are taught in our schools, the government could well require that sexual orientation be taught as an approved alternative lifestyle, and mandatory curriculum guidelines reflecting this logic would be an actual extension. I believe this would be inappropriate for our elementary schools and for their students, who are in their most sensitive development years and may be struggling with their personal identity.

I believe this bill to be wrong. I believe it to be wrong because as legislators we are taught to examine all legislation to determine whether it actually does what it purports to do. I believe there is much that will be done as a result of this bill being approved today which has not been discussed and which has not been openly admitted to by the government.

It was disturbing to me that they initially stylized this section 18 as a section that was going to comply with the charter, when we know it was rejected back in 1981 by the special joint committee of the Senate and of the House of Commons on the Constitution of Canada. They voted 22 to two to defeat an amendment that would have included sexual orientation in section 15 of the Charter of Rights and Freedoms. It was the clear intention of the special joint committee not to include sexual orientation in the charter.

We are told by the Attorney General that this bill will prevent discrimination in the work place and in housing. Like all members who have spoken on this subject, I have received numerous phone calls and too much mail to mention. I had one interesting phone call and spent about a half an hour with this caller, who specifically wanted me to support Bill 7. I wish to share with members some of our conversation.

I asked him why he wanted Bill 7 approved. He told me that he felt he was discriminated against, that he would like to talk about his lover at work and feels he cannot because he is in fear



of losing his job. I asked him if he had ever approached his employer to discuss it, and he said no. I asked him if he suffered from an employer with a prejudice; perhaps his employer lacked an open-minded attitude and compassion. Obviously, he was a good worker or he would not have the job in the first place.

I went on to ask him whether he had ever been asked on a job application about his sexual orientation, and he said no. I asked him whether he had ever been asked on an application for a lease, and he said no. He agreed that in Ontario today, with the exception of attitudes and tolerance, he felt he was adequately protected under the law in the areas of accommodation and of job placement.

Another reason I believe this bill is wrong, specifically that section 18 of Bill 7 is wrong, is the manner in which the Liberal government has been handling this issue. The media have certainly enjoyed the debates in this House by virtue of the very strong language and the very polarized positions which have become public as a result of this bill. I cannot help but believe the government is once again using confrontation politics and the politics of polarization as weapons. They are serving no one by the approach they have taken in introducing this bill.

There have been regrettable arguments presented on both sides of the argument and from both sides of this House. There have been attacks on the church, attacks on family values and unfair attacks on Ontario gays. What is really disturbing is that they have masked the real, thoughtful examination this bill requires. The Attorney General must bear responsibility for presenting it in this fashion and allowing this to happen. Who has been served by approaching the bill in this manner? The minister has refused to discuss in detail certain impacts of the bill. He must agree it is intellectually dishonest to be silent about the effects this bill will have when passed.

**16:40**

Several speakers have read letters from the Big Brothers of Canada. As a learned solicitor in this province, the Attorney General will be aware of the case of the Big Brothers of Minneapolis, who struggled with the issue of their policy which barred certain individuals from providing that volunteer service. There was a celebrated case in Minneapolis in which the applicant insisted, the mother was asked and refused and the association and the mother were threatened with court. There was an out-of-court settlement, and to this day in Minneapolis they are unable to divulge that

information, even if the parents or the family members ask for it.

I am quite concerned about the Minister for Community and Social Services (Mr. Sweeney). I hope he will be in the House to hear part of the concerns I wish to raise with him. When this document came forward in cabinet, where was the Minister for Community and Social Services and what issues did he raise?

During the debate on section 18 of Bill 7, many members have argued that the passage of this section will not mean that homosexuals or lesbians will be allowed to adopt children. According to a directive issued in 1985 by the Ministry of Community and Social Services, adoption and foster care services fall under the provisions of the Human Rights Code. In 1984, the code was amended to provide that it shall have primacy over all inconsistent provincial legislation. The Attorney General is aware of section 46, which was amended and which enables him to do that, as well as the inclusion of services in section 1 of the same code.

All provincial legislation is subject to the provisions of the Human Rights Code. This includes the Child and Family Services Act, part VII, which refers to adoption and which would be subject to the proposed amendment to include sexual orientation as a prohibiting ground of discrimination.

I would like to read briefly from the 1985 directive from the Minister of Community and Social Services. It is entitled Human Rights and Adoption Foster Care:

"The enactment of the revised Ontario Human Rights Code in 1982 and of the Canadian Charter of Rights have prompted all levels of government and many private agencies to review their internal policies and procedures to ensure compatibility with the new legislation. Although the legal interpretation of the two statutes is largely speculative at this time, the ministry has examined its legislation to identify anticipated problem areas for all of its programs. A subject of particular concern to the ministry is the application of the new legislation to adoption and to foster care.

"All agencies that provide these services should reconsider both their written selection policies and the informal practices of staff to determine any inconsistencies with the legislation, and where necessary, ministry program supervisors, agency legal counsel and/or Ontario Human Rights Commission staff should be consulted for assistance in interpreting the provisions of the statute. It is an expectation of



the government that the spirit of the human rights legislation will be upheld and not simply the technical letter of the law." I interpret that to mean that there will be a broader application of this section by the Attorney General.

"This means that the ministry will broadly interpret the application of human rights protection in all of its own policies. A provincial declaration permitted in section 33 of the charter, excepting an Ontario statute in compliance with the charter, will only be undertaken in very unusual circumstances. The Ontario government has taken the position that the field of adoption and foster care services is not appropriate for such a provincial declaration." In other words, they will not qualify for exemption.

Why has the Minister of Community and Social Services been silent on this issue when he has this directive in his possession? Why has the Attorney General indicated that this is not a bill to discuss as enabling legislation with respect to adoption and foster care services?

I have concerns about the impact this has with another ministry. What will Bill 7 mean to education? Where has the Minister of Education (Mr. Conway) been in this debate on the amendment to section 18 of Bill 7?

As a 10-year public school trustee in this province, I can assure the members that this issue has surfaced quite frequently in most boards in the province. It has been handled in a most reasonable manner so far, but it has been handled as a committee-of-the-whole matter, as all personnel matters have been. Why has the Minister of Education refused to respond to the concerns that have been raised about curriculum development? Where is the minister's leadership? He is the top policymaker in education for Ontario. He is responsible for 1.4 million students and 106,000 teachers in this province.

We have received a letter that was presented to the Premier on November 27 by the Ontario Association of Education Administrative Officials and signed by its president, Don Folliott. Mr. Folliott states as follows:

"The Ontario Association of Education Administrative Officials has been on record for a number of years in opposition to the revisions to the Ontario Human Rights Code which would add sexual orientation as a prohibiting category of discrimination. The attempt by Bill 7 to protect the individual from overt discrimination and to guarantee services to that same individual may be unduly imbalanced towards the individual when one considers the needs of the community. For example, wherein every person has a right

to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap. The right to nondiscrimination because of sexual orientation presents school boards of Ontario with some problems.

"In section 235, subsection 1(c), of the Education Act, it is the duty of a teacher 'to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues.' Obviously, there is a legal conflict between Bill 7 and the Education Act on this subject. Needless to say, we are dismayed to note that when such conflict occurs between an act and a sexual orientation, this part of Bill 7 would prevail unless the act or regulations specifically provide that it is to apply notwithstanding Bill 7.

"Beyond the legal conflict, there is a more substantial objection to this example of the protection of the individual being excessive at the expense of society. Ontario is witnessing the loss of the family unit at considerable expense to the moral growth, amongst other factors, of our young people. The association feels that whenever possible, steps must be taken to reinforce the family unit rather than to downgrade it. The endorsement of sexual orientation as a prohibited category of discrimination in the Ontario Human Rights Code does nothing to enhance the family unit.

"The Ontario Association of Education Administrative Officials submits that in establishing any legislation to eliminate discrimination against sexual orientation in Ontario, the legislators should bear in mind the needs of the general public as attempts are made to bring protection for individuals."

If the Attorney General is not familiar with section 235, then I am sure the Minister of Education is. I happen to be familiar with the case because over the years this section was tested with the Halton Board of Education. There was a case at our board of a teacher who in his off hours was performing as a comedian at Yuk-Yuk's in Toronto. The members of the press were reporting part of his comedy routine. It was widely reported in the community of Oakville. There were many references to the students, the classroom dialogue and activity.

16:50

Under section 235, the board cared little about whether this comedian, who was a self-proclaimed homosexual, was a teacher in our system. That was not the issue. The issue was that under section 235 it was deemed inappropriate for him to use his comedy routine as a forum in which to discuss his homosexual lifestyle and the lifestyles of students.

I want to underscore the fact that nowhere have we heard of cases of teachers being fired in Ontario for being nonheterosexual. That is not the issue being raised. The Ontario Association of Education Administrative Officials is not suggesting it is losing a right not to hire nonheterosexuals as teachers. They are suggesting there is a conflict between section 235 of the Education Act and Bill 7.

The Minister of Education must be aware of what is coming under Bill 7. He must be aware of some of the activities and court challenges that have occurred throughout North America with respect to the very point I raise. In 1985 there was a Supreme Court decision dealing with a case between the Oklahoma City school board versus the National Gay Task Force. In this case, the National Gay Task Force of San Francisco challenged an Oklahoma law that allowed public school teachers to be fired for engaging in sodomy, a felony under Oklahoma law, or for advocating homosexual activity in or out of the classroom in a way that would come to the attention of schoolchildren or school employees. It is interesting that the federal court upheld the law, but the Tenth Circuit Court of Appeal struck down that part of the law, declaring unconstitutional the portion that prohibited the teacher from advocating, soliciting, imposing, encouraging or promoting homosexual activity.

It strikes me that we have the opposite situation in Ontario. We have no cases of discrimination against the hiring of gay teachers but we have protection under section 235 of the Education Act, which prohibits teachers from advocating, soliciting, imposing, encouraging or promoting sexual activity in the classroom.

Where is the Minister of Education on this very important issue? This is an important day in the House. It is an important day for public education. I am sure the Attorney General will advise us that Bill 7 supersedes section 235 of the Education Act. We know that is the effect, because of section 46 of the Human Rights Code, which I referred to earlier. The government is promoting Bill 7, yet here is section 235. Does the Attorney General feel there is a contradic-

tion? Would he please explain publicly, at least once, that contradiction?

Does the Minister of Education want school boards to perform outside of the law? Are we to believe that he interprets the principles of Judaeo-Christian morality differently from those of the Ontario Conference of Catholic Bishops? If the minister disagrees, what is his interpretation of Judaeo-Christian morality? Does he disagree with his bishop? The minister should assure this House that there is no hypocrisy here.

Clearly these two pieces of legislation offend each other by their intents. What are the minister's new expectations for teachers in Ontario? When will he make a public statement? After Bill 7 has been passed? Are the government and the Minister of Education trying to look modern and sexy? Yet they want to look virtuous and 19th century. Is that what this government is trying to do? Are we to believe it is playing politics with this important and sensitive issue? Are we to believe the government would play politics and that it has no principles to communicate to the teaching profession, the trustees and the parents of Ontario? Is the government doing this for media attention? I ask the minister, why are we passing this legislation?

Bill 7, specifically in section 18, raises more questions than it answers. It raises serious issues of concern that this Liberal government is unable or unwilling to answer. By the manner of its presentation by the Attorney General and this Liberal government, Bill 7 has set back the cause and the case for understanding the unique and deeply personal emotional issue faced by our homosexual citizens. Section 18 should be withdrawn to enable those sections of Bill 7 that do conform with the charter to be passed.

In all conscience, I cannot support this bill, given the many questions that remain unanswered and that this government refuses to answer, questions about the contradiction of section 235, legitimate questions raised about ministry directives with respect to adoption and foster care. Before making such major changes affecting the rights of children and such wholesale changes to traditional family values, I ask that this bill receive the widest possible consultation with parents, parents' associations, community groups and the public at large.

**Mr. Rae:** I want to start by making a confession. I have not weighed the volume of my mail on either side of this question. I have no doubt there are very strong opinions held by the people of York South on this issue, as there are all over the province, but I want to start by



emphasizing as strongly as I can my view, and it is a very strongly felt personal view, that one cannot deal with questions of human rights simply on the basis of the weight of correspondence one has received from one part or another of one's constituency. It is utterly inappropriate for members to be considering the issue in that way.

If I need authority for that proposition, and I do not feel I do, I would like to quote to members of the House the words of someone I feel is perhaps the greatest Conservative, certainly the greatest Conservative thinker, of the modern era. I am referring to the famous words Edmund Burke directed to his electors in 1774. I am going to quote them because I think it is a very gracious and effective way of saying what I would like to say on this question. He said:

"It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him, their opinion high respect, their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions to theirs and, above all, ever and in all cases to prefer their interest to his own; but his unbiased opinion, his mature judgement, his enlightened conscience he ought not to sacrifice to you, to any man or to any set of men living." I might add, parenthetically, that at this time the constituency of Bristol consisted of all men.

"These he does not derive from your pleasure, no, nor from the law and the Constitution. They are a trust from providence for the abuse of which he is deeply answerable. Your representative owes you not his industry only but his judgement and he betrays instead of serving you if he sacrifices it to your opinion."

**17:00**

If I may speak personally and also as leader of our party, I want to give to the House my sense and our collective sense of judgement with respect to this question of civil liberty.

We start with the affirmation that it is a question of rights. It is not a question of convenience and it is not a question of private morality. I want to return to that question because it is fundamental to understanding the nature of the debate.

It is our view and it is my view that rights are not given by the state. Rights are not delivered to individuals as a matter of utilitarian convenience. Rights are not given; they are recognized in law

because they are innate to what it means to be human.

The whole notion of the liberty of the individual, the liberty of the subject, human rights and freedom and the fundamental place those values hold in our sense of public values do not stem from what is convenient for the law to recognize, but from certain fundamental beliefs we have about what it means to be a human being.

I speak as a democratic socialist and as someone for whom liberty is a fundamental value. Liberty is a value that does not extend from the Legislature. It is a value that is not given, but recognized. We recognized it in Canada on a number of occasions, but when I spoke on the charter in the House of Commons, I did not feel it was something the charter was granting. The charter was not giving us rights; rather, the charter was recognizing that individuals in a free society have certain basic rights.

**Mr. Shymko:** Public debate.

**Mr. Rae:** They have a right to freedom of association.

**Mr. Shymko:** He heckled me all the time.

**Mr. Rae:** They have a right to freedom of expression. They have a right to an opinion and a right to express that opinion in a public forum. They have a right to be themselves.

Mr. Speaker, the member for High Park-Swansea continues to heckle me. As leader of my party, I would appreciate it if he would perhaps extend me the right to be able to deliver a speech without being heckled, in the light of the importance of the occasion. We will give the same courtesy to his leader, as we will to the Premier.

**Mr. Shymko:** You should have told your colleagues that yesterday when I was speaking.

**Mr. Speaker:** Order.

**Mr. Rae:** I have participated in many debates. In the light of the seriousness of this one, we are surely entitled to attempt to deal with this in a way that is fair to all sides.

Much has been said about the question of rights and liberty. The only legitimate limitation to freedom of expression and to freedom to be oneself that I can justify as a legislator is whether the exercise of freedom harms other people. We all recognize there are times when freedom is limited. It is limited according to a fundamental and basic test; that is, whether it does harm.

We use a variety of laws to create that framework. The framework that I believe is most appropriate in dealing with questions of harm to



others in this area is, of course, the Criminal Code. The Criminal Code is quite specific about dealing with harm to others committed by people who are expressing themselves.

We have laws with respect to paedophilia and bestiality. To be quite blunt about it, much of what we have heard in the House—that somehow this law would give paedophilia or bestiality an open field—is simply untrue. We have a Criminal Code, with which all of us are in agreement, that quite rightly and quite basically forbids people to do things to other people that cause them physical harm.

When we talk about rights, I suppose it is of more recent time that we speak of the right to express oneself and the right to be oneself in a sexual sense. None of us as politicians particularly enjoy avid and extensive discussions on questions of private morality and questions of sexuality. I include myself in that group. As far as I am concerned, questions of sexuality are really none of anybody's business. I am going to come back to that value in a moment.

However, it is a fact of life and something we do have to talk about honestly that, for heaven's sake, if one is not allowed to be oneself, to be what one is sexually in the world without causing harm to others, if that is not a fundamental right, then I cannot imagine what is in a civilized society.

The reality of life is that there are people who are not heterosexual. There are gay doctors. There are gay lawyers. There are gay politicians. There are gay tailors. There are gay soldiers. There are gay bureaucrats. There are people in every walk of life in Ontario who are not heterosexual. I feel and the members of my party feel very strongly it is time we had the honesty as a society to recognize that as a fact and simply to say that is a fact about Ontario. It is a fact about our life together as human beings.

I also want to say, because I think it is important, that the other value which I think we are attempting to affirm in this amendment is a value to which I ascribe a great deal of importance, and that is the value of privacy. I have literally no idea whether the vast majority of the people with whom I deal day to day are gay or not. I have no idea and frankly I do not care, because I do not think it is any of my business in the work that I do as a legislator. It is not relevant. It is not pertinent to the questions we are dealing with as legislators.

As long as it is kept as a matter of private morality, it is nobody's business whether a teacher is a homosexual or not; it is nobody's

business. As long as it something which is kept and is seen essentially as a matter of private morality, I believe we have an obligation as a society to respect that sense of privacy, to preserve that sense of privacy and to give it the fundamental value that I think a civilized society would want to give it.

The Attorney General in his remarks raised a question that I believe speaks to the heart of this debate and I want to touch on it as well. I think his words have been misunderstood and I think it is important to go back to them. The Attorney General made the point of saying—and I think it is a point that has to be made—there is a distinction between private morality and public policy, that we cannot simply base our public laws on what our individual sense of private morality is.

When this was stated, the Attorney General used learned quotations to justify the point. I think it is important for us to think of what the consequences would be if we were to do otherwise. Much has been made of the Ten Commandments. There are commandments laid out there that are a part of our Judaeo-Christian heritage.

I would ask those who would make of the law the formal expression of a private morality, are they seriously suggesting, for example, that adultery should become a crime in Ontario? There have been examples in society where that was the case. In Boston in 1948, we are told, there were 248 arrests for adultery. Imagine the kind of society we would be creating if we were to use public policy as a vehicle for expressing our moral outrage over private acts between consenting adults. We would be living in a snoopier state. We would be living in a police state. We would be living in a state in which everyone would see it as his right or obligation to inform on the sexual practices or otherwise of his neighbour. It is not a society in which any of us in this Legislature would like to live. Let us be honest, open and frank about it. None of us wants to live in that kind of world.

## 17:10

We have to recognize the kind of society that we are today in Ontario in 1986. We are a pluralist society. We are a society in which people live differently; they think differently and they feel differently. The task of public policy, as opposed to private morality, is somehow to create the framework in which those people can live together. They may differ morally among themselves, perhaps even morally condemn the behaviour of their neighbours, but they are not able to use the power of the state to impose their

views of morality on other people. Frankly, I cannot imagine a society in which we decided to do anything else. It would be inordinately repressive. It would be a repressive society because it failed to recognize the fundamental fact about our world today in Ontario: We are a pluralist society.

There are those who say that if we recognize the right to express oneself as a homosexual in the world today, then all the horrors will be unleashed upon us. The family will collapse. Our educational system will deteriorate. Our entire welfare system will explode. It is worth recalling that the Emperor Justinian felt homosexuality caused earthquakes. We have heard a lot of arguments that parallel very directly that view from centuries ago. Homosexuality does not cause earthquakes, and the recognition of it as a fact of life will not destroy the family.

I must confess to being a little tired of being put on the defensive by those who say, "If you disagree with our point of view with respect to this question, you are somehow anti-family." I believe in and cherish the values of the family as strongly as I believe in any other value in our society. Let me remind those people who say otherwise that gay people have families too. It is an insult to those whose parents, whose brothers and sisters and whose children are gay. It is an insult to their sense of family, to which they are as entitled as anybody else, with the same sense of charity as anybody else. Surely it is an insult to say, "Our view of the family is so exclusive that it does not possibly include you."

Without casting aspersions upon those who feel differently, I simply want to say this about the expression of prejudice—and I mean "prejudice" in the sense in which all of us have it. We all have prejudices. We all have likes and dislikes. We all have people and lifestyles of which we approve more or less than others. But for heaven's sake, we will rue the day that we make prejudice the basis of public policy in Ontario. It will be a sad day for all of us.

We have had a difficult debate, but in my view it has been a necessary debate. What has struck me as a member of this House over the past five years is the extent to which our House has changed as Ontario has changed. There is a willingness on the part of the majority of this Legislature to take a step for tolerance and to speak for tolerance, to the importance of tolerance and to the importance of recognizing there are people who have had to live very private and secretive lives. There are people who have been fired, people who have been evicted and

people who have been victims of prejudice in our society for a long time, simply because they are gay or lesbian.

It is supposed to be unpopular politically to say this. I do not believe that, because I happen to believe the majority of people in their private selves, whatever their sense of what they have to say is, know perfectly well that in every small community there are people who are different, who live differently and think differently, and they do not want to take away from those people the right simply to be themselves and to live their own lives without bothering anybody. That is, in my view, what this question is all about.

I want to close by paying tribute to my colleague the member for Ottawa Centre (Ms. Gigantes), who has shown unusual courage. Her speech was unique in the sense that nobody could have given it as bluntly and as directly, and simply told it like it is, as the member for Ottawa Centre did. I admire her courage enormously. All of us in this House must recognize that, were it not for that courage and that directness, this issue would not be before us in the way it is today.

I also want to say that there are many issues on which we disagree; there are many occasions on which this House, in a partisan way, disagrees. I simply say to those members who disagree with me that I can understand the differences; I know the moral feelings, and I know the sense of difference that prevents some people from seeing the wisdom or the justice of this move.

I want to pay tribute to the members who have spoken. I am not quite sure what the leader of the Conservative Party is going to say this afternoon, because he has taken great care not to tell me or anybody else, but I want him to know that we look forward to his displaying the kind of leadership and the sense of balance that I know he will try to strike in the position he takes.

To all members I say this is an issue we should resolve. We should resolve it today. We should resolve it on behalf of tolerance. We should resolve it on behalf of liberty, which is something all of us in this House see as a fundamental value. We should do it knowing full well that there are those who will disagree and that we must make a distinction between our private moral feelings and the need for us to recognize, as a society, that there are those who feel differently and that the purpose of law is not the expression of private outrage but rather the expression of public tolerance. That is the purpose of law, and it is in that spirit that my colleagues and I will be voting in favour of this amendment.



**Mr. Grossman:** I enter this debate this afternoon quite at peace with myself and with my party in this assembly. For all members of the assembly, it has not been an easy week. As the leader of the third party has said, it has been a week that we likely had to go through, but it likely will be a week that leaves some scars behind.

I want to begin by saying one quick word to those in the gallery who have observed the proceedings off and on for the past week and are with us today. Whatever their backgrounds and whatever their beliefs, I know some of them have personally had to listen to arguments they would have found quite uncomfortable. Some of those will have been, to take it to its extreme, arguments that would have made them quite angry; arguments that would have made some of us so angry, if we were in their circumstances, that we might not have sat as calmly and as respectfully as they did.

Those who participate in this democratic process by observing, as we do in participating directly by speaking and voting, are to be commended for the exhibition of tolerance that they have shown others. I trust that will proceed through the afternoon and, notwithstanding whatever we may decide, that they will continue to observe that degree of dignity.

#### 17:20

My first choice this afternoon would be not to have had to make this choice in this circumstance. It is unfortunate and bad government to move when a great body of the population does not believe it has had a chance to participate in the discussion. It is bad administration and bad government to proceed in such a way that people find they are surprised by what is going on, and it is bad government to proceed in such a fashion that a number of people, including a number of large and important groups in society, proceed on a basis of misinformation and misunderstanding such that they can come just short of creating a whirlwind of problems and prejudices.

Notwithstanding the protestations of some with regard to whether or not there were hearings, the reality is that there are tens of thousands of people spread throughout this province who have not felt part of the process, who have been surprised by these events, who stop me on the streets and in airports urging me to vote against a piece of legislation about which someone has whispered quite inaccurate things in their ears. With fear in their eyes, they have urged me to vote against this legislation for fear it will destroy life as they have understood it and

their families, their homes, their businesses and their places of living.

Those misunderstandings flow to some degree from a process that has not been sensitive enough to the great sense out there of something happening too quickly and something that is quite foreign to life as they have known it. When that happens, mature government goes more slowly than it would like. Mature governments says, "We would like to get this done now, and we think we ought to get this done now, but we are going to have to take a bit of time."

Taking time often is the preferred choice. But in this circumstance, the option of taking more time is not available to us. However the procedures developed, those in a position to call the bill and push it ahead have left us in this assembly without the choice of proceeding more prudently. I do not, therefore, have the option of standing back and wishing it were otherwise. It simply is not.

What to do then? Let me begin by saying I heard from all the pressure groups. I felt some of the statements made were based upon misinformation and some fearmongering. Some were extreme beyond the point at which I would have believed it. Some were almost fierce.

I say to those pressure groups, whatever the outcome of this vote this afternoon, I hope they will stand back now and reflect on whether in Ontario they have moved us, advertently or inadvertently, towards the kind of serious, threatening and menacing pressure-group society that from time to time threatens to overtake the United States and its Congressional elections. We do not need that here. We need to exhibit now the tolerance and balance of judgement that has always typified the legislative process here. Bad laws have been passed, good laws have been made, and all of us have participated in one way or another, but in my 11 years here I have not often seen legislation forced upon us or off us by fierce threats, misunderstandings and misapprehensions. That cannot become the way for Ontario.

To the degree that some pressure groups will have felt they were successful, I urge them not to believe that is the wave of the future in Ontario. To the degree that some may feel unsuccessful as a result of what happens shortly, neither should they decide to redouble their efforts and prove that anything approaching Falwellism, may we call it, is appropriate in the society we have built here.

Perceptions: Some see today's choice as opening the door wide; others see it as changing



very little out there. Some see it as codifying some rights and giving new rights; others see it as giving new privileges. I think it does little of that, candidly, though impressions are certainly otherwise.

The question we are asked, notwithstanding those perceptions, for which we in this assembly are not entirely responsible, is whether those involved are entitled to be free of discrimination. When this question came forward, some wanted us as legislators to answer the question of whether homosexuality is an illness or a lifestyle, a disorder or a preference. I am not competent to make that decision, nor am I asked to make that choice. None of us is asked to make that choice.

The member for Humber (Mr. Henderson) discussed this with a lot more expertise than I would bring to bear on the subject, but we are not asked to make that choice. We are not asked to make this choice, because whether it is an illness, as some would say, or a lifestyle choice, as others would say, or a disorder, as some would say, or merely a preference, as others would say, the reality is that in Ontario we have never discriminated against people who are ill or have a different lifestyle or have disorders or have their own preferences with regard to style of living. Therefore, we need not answer that question, which we are, with respect, not capable of answering. It is a discrimination question.

Does this bill approve, encourage or reward a lifestyle? I think it only protects that lifestyle against discrimination. Does it have anything to do with illegality, bestiality, sodomy or paedophilia? Of course it does not, I say with respect to the pressure groups. Those are dealt with by the Criminal Code, and they are as illegal as are all the other crimes reported in the Criminal Code. They are fully protected and are as protected today as they will be tomorrow, were last year and will be next year.

We do more than prohibit discrimination in this bill. I have heard the arguments and debates. I have studied Bill 7, and I have even taken some time to read the case law in the past week as I have listened to the debate. We are asked today to say whether we are going to tolerate discrimination based on the illness, preference, sickness or lifestyle—call it what you want—or whether we are going to say that all citizens in Ontario are full citizens. Nothing here makes members of the gay community special citizens—let us be clear—it just makes them free citizens.

I invite our colleagues today to do what the member for York Mills (Miss Stephenson) has asked us to do many times over the years in our

caucus and what my House leader has suggested to me that we consider several times, and that is take a holistic approach to all this and begin to provide protection with a different kind of criminal code: one that protects all, one that does not require people to be enumerated and included when it comes to human rights and discrimination legislation, but one that simply outlaws discrimination holistically across the board for everyone in every circumstance. Again, we have not that option before us today.

For those who read the law differently from the way I do, if I have read the law incorrectly with regard to what this bill might allow in the longer term, then we can always come back here and alter it and change it.

**17:30**

My party will be having a free vote on this matter. I have decided, at the request of my caucus, to allow a free vote because I believe that partisanship should never tyrannize conscience. I believe anyone who has listened to this debate will note that it emanated not only out of fact and fiction but that it is also based for many on serious and deeply held moral convictions, religious convictions and other deeply held values which shape, dictate and define the membership of this assembly.

The feelings of members in my caucus reflect legitimate, important values and reflect the upbringing of members, as mine affects my decision. They reflect their own traditions, background and schooling. Let me be clear: they are not a unique group. In my view, they are as representative a group of Ontario citizens as ever were elected to this assembly. They reflect the mores, values and traditions of their people. I have to allow them to do what their consciences tell them.

Having sat through a difficult debate, we must remember that this bill asks for tolerance among citizens, respect for others' lifestyles and views, lifestyles and views which we do not share; but when we ask that of our citizens, we must practise the same thing here. We must practise the same degree of tolerance of other members' views and opinions as we so proudly lecture our citizens they must do with their fellow citizens. My colleagues spoke from their hearts. They did their jobs. They got thousands of letters and extraordinary pressure. More important, they bring to this debate their own personal traditions, values and mores which I cannot purport to tell them to change or alter to the tyranny of partisan politics.

My belief is that a truer test of leadership is to bring to the men and women I am honoured every day to lead my own experience and values, as they bring theirs. My colleagues are not biased or prejudiced. They reflect, as I said earlier, the broad base of Ontario society, but we are here to do some other things as well. We are here to lead. This is not rent control, this is not pay equity, this is not environmental legislation, which are matters of policies and politics. They are not moral or lifestyle decisions. My view is that no truer test of leadership ever falls on a leader than when he is asked whether he can tolerate in his party a vote on conscience and still lead a political party. In this party, that is eminently possible.

I want to say too that there are other kinds of leadership. I might have chosen to face this test of leadership by simply dictating to the people I lead how to think and how to vote. That is not a big test of leadership; that is easy leadership. Another kind of leadership is to be a scorekeeper, simply to tally the votes of a caucus meeting or, for that matter, the votes and feelings of the public and join them. That is an equally weak test of leadership.

The true test of leadership is whether one can respect the views one does not share. I lead a group of Ontarians who reflect well and accurately the different parts of Ontario and the different qualities, feelings, sentiments, backgrounds and traditions that make up Ontario. All of those are important. Leadership involves respecting those views, as I do. Leadership requires the leader of this party to show the accommodation and tolerance to those views that the Human Rights Code requires citizens to show other citizens.

I bring to this debate my responsibility as leader of a great political party, one whose leadership role across Canada—indeed, across North America—cannot be challenged. The first antidiscrimination code in legislation in North America was introduced in this province in the late 1940s, early 1950s. The first Human Rights Code was introduced in this province by my party in the early 1950s. If I am truly to assume the mantle of leadership shown by my predecessors, Mr. Drew and Mr. Frost in particular, who led the way in North America in human rights legislation, I must answer the tradition they have left me.

I quote from the throne speech of 1951, written by Premier Frost: "It is the belief and conviction of my government that all men of whatever race, colour or creed must be accorded equality in the fundamental rights of the human person, equality

in the respect due to man's dignity, equality before the law and equality of right to employment."

I was particularly moved by the recitation of the events leading to Premier Frost's pioneering legislation when I read the report of Donna Hill, who had moved to Canada from the United States to escape discrimination because of her mixed marriage—her mixed marriage, of course, being to Dr. Daniel Hill, our current Ombudsman. She led a deputation of the labour committee to Premier Frost in 1950. I want to report to members her exact words on the resulting Frost legislation. Donna Hill said:

"It stunned me. My American tradition ill prepared me for Canadian ways. In the United States, if anybody brought in a bill for human rights legislation, it would take years and years of debate and lobbying to get it through the Legislature. Here it was in the speech from the throne within 10 days after we saw Premier Frost and by June it was law. I was amazed and astonished that it was possible."

That is the mantle of leadership that I inherited just over a year ago. It is the example set by Mr. Frost when his legislation was seen to be quite controversial, when so many expected him to delay it and defer it, to discuss it for a long time. I cannot exercise my leadership by failing to honour the traditions of leadership in my party. Neither can I exercise leadership by forcing my members to cashier their values where theirs and mine do not agree. But neither can a leader be so devoid of values himself that he abdicates his values for a majority of others. If that were the case, leadership would involve only selecting the spokesperson, the public relations front person for a political party. I did not apply for that job and I could not fill that job. A leader's values are extremely important. I cannot trade conscience for convenience.

I have before me only this amendment to offer a current test. It is not an amendment that I think is timely, but it is here. As I said at the opening of my remarks, in my view the amendment is ill timed, has been ill explained and is certainly ill understood. I think it has been mismanaged. But I am asked and forced today to cast a vote. I have to cast a vote in the tradition of my predecessors. I have to say that in my party all people and all views are welcome, but all views and all people being welcome, all those policies and all those values being important, the leader of this political party values tolerance, freedom against discrimination, as its very highest value.



There is no higher value. When we lose that tolerance, when we lose that ability to stand back from our own prejudices and beliefs and, yes, background and upbringing and say, "Look, it is important to legislate against discrimination," even though I find it difficult to look at that circumstance myself, that is precisely when one needs to legislate. That is precisely what leadership is all about.

17:40

The leader of the third party made the point that if ever there was an issue where one does not total up the calls or letters one got, this is it. Because it is precisely a minority circumstance—minority versus majority, if you would—that we are legislating to protect against and that is why it is so difficult, that is exactly why it is so badly needed.

Today, as leader of this great party, as leader of the party of North America's first antidiscrimination legislation, as leader of the party that brought Canada its first Human Rights Code and its first Bill of Rights, I send the message out once again, on behalf of my party as its leader, a message of openness and fairness. It is easy to be tolerant in a vacuum. It is easy to talk of being able to accept all people. It is tough when one is asked specifically to do it vis-à-vis a group one has no ability to relate to, no possible ability to understand, but that is precisely when one has to step forward.

In closing, therefore, it is with heavy heart over the process, with regret over the timing and with regret over the management or mismanagement of the issue, but with a clear conscience and a determination to live up to the task of leadership of the Progressive Conservative Party, the party of antidiscrimination legislation, the party of human rights legislation, the party of John Diefenbaker's Bill of Rights, and with a sense of duty to my conscience, a sense of purpose to my party and a sense of acknowledgement of the mantle of leadership I have inherited from the pioneers of my party who came before me, that I will support the amendment.

**Hon. Mr. Peterson:** Let me say at the outset that I have followed the debate in this House for the last six days with great interest. This is not the first time this issue has been discussed in this House. It is not the first time we have dealt with it. There have been numerous parliamentary commissions. I recall in 1981 it was discussed in committee in this House and there were federal commissions dealing with this issue and a report was given back to the federal government.

This particular amendment has been in the House for how long? It has not been a year but at least six months at the moment. To those people who suggest this is not the right time or that there is another way of handling it or that it could be delayed, I have to say I do not agree. None of us can delay our way out of dealing with problems facing the province. Here we have been on television for six full days in full and open debate. Every member has had an opportunity to express his or her judgement on this matter and what could be more wholesome in terms of our democratic traditions. All views, in all of their extremes, have been expressed by members of this House from all parties. Ultimately, we have to deal with the issue.

I reject the view that there is a better time six months from now, a year from now, eight years from now, 10 years from now. One cannot postpone the inevitable.

I have gone through those discussions before, as have many of my colleagues who have been around here as long as I have, saying it was not the right time. However, the honourable leader of the New Democratic Party spoke eloquently when he said the atmosphere has changed, I believe in this Legislature as well as in the entire province. I have seen a new outreaching in the past year or two, not only on this bill but also on other difficult bills such as the so-called Bill 8. Bill 8 would never have gone through this House three years ago. We had the discussion and it was rejected then.

I hope members feel they have had an opportunity to express their individual points of view. I understand those, I think, and respect some of them, even though I say part of the misinformation my friend opposite talks about, or the lack of understanding, came directly from this House. In that sense, all of us have a responsibility. All of us who have the soapbox and opportunity to stand up and speak out can correct some of that misinformation that came out, albeit unwittingly, from this House.

Many thoughtful arguments have been put forward. The Attorney General talked about it in a legalistic sense, as did the leader of the New Democratic Party, following the great line of Mario Cuomo's famous speech at Notre Dame, a very thoughtful speech about the relationship of private morality and public policy. It is a speech I commend to all my colleagues who have difficulty with this issue.

In voting for this amendment, we are not condoning a particular lifestyle. We are not suggesting a course of action for any individual.



What we are saying is that it is a human right. When we talk about human rights, then the question becomes, where do we draw the line? "This person should have human rights, but I do not like the colour of that person's dress, so she should not have human rights."

We have gone through discussions for decades in this province, and my colleague opposite is quite right to point out the record of the Conservative party with respect to human rights legislation and the code it introduced so many years ago.

Society changes, we all advance in our understanding of each other and, I believe, in our respect for each other as well. Each of us in this discussion has been asked to wrestle with his own conscience. It is not always easy to do in the face of the enormous pressure that has come to all of us in this discussion. I can tell members, there is never an issue in which the first minister is not pressured from all sides on every issue.

I respect the rights of all those groups to convey their views to the Legislature, to the individual members of Parliament, and to make their voices heard, but when they wrestle with their own consciences, when they make up their own minds, it is also the responsibility of the members of this House not just to respond to public opinion one way or the other; we have the responsibility to do what we believe is right for all the people of this province, and I do not believe this province or any other jurisdiction should be governed by polls or pressure groups. We get paid to lead. We get paid to make up our minds and to defend our positions to the people of this province.

Therefore, I say to those members who have been pressured—and I can assure them that I have—I understand that. However, we are now in the position where we all have to wrestle with our own consciences and do what we think is right for everyone.

This discussion has preoccupied all our caucuses, this Legislature and many groups outside. I have heard many arguments invoked on all sides of the debate, including the invocation of theological arguments one way or the other. Strangely to me, I always hear the Bible invoked on both sides of almost every argument any time it happens to come along or be convenient to the proponent of a particular cause.

**17:50**

However, it is my view that we are extending the most important part of our religious tradition in respecting and loving everyone regardless of sexual orientation, handicap, colour or creed.

This is an extension of the traditions that most of us have come from, and I think that, when analysed in this most basic sense, it says we are doing the finest act we could do to uphold the loving, caring kind of world that we all believe in and that we want to legislate for. Thus, to those members who have difficulty—and I know a number of them do—I say that in supporting this amendment today, we are behaving in the finest and highest traditions of the system of morality we have all grown up in and come to believe in.

The pressure does not matter. I guess I understand people who have real trouble with their own conscience, but I do not understand people who react just to pressure or to polls. That is not acceptable on this issue or on any other issue in this House, in my mind.

It has been a wholesome debate and, as the leader of the New Democratic Party said, a necessary debate. We see our democratic institutions hung out, with all their frailties and all their strengths. I am one of those who believes there are far more strengths than frailties in the democratic system we have today. I am proud to share it with the people of this province, as I am proud to share my own views.

If it is helpful at all to the members opposite or on all sides of the House, I am trying to put these things in the context of my own little family, which is growing up and is subject to the pressures and the complicated world that is shared by the family members of my colleagues opposite. Of course, I do not want my little children to be used. I hope they are taught a lifestyle that my wife and I believe in, and I do not want anybody taking advantage of them in any way. I do not believe this legislation allows that in any way. I think that question has been dealt with.

But then I say to myself: "Supposing that when one of my children was 16 or 18 he came to me and said, 'Dad, I am a homosexual,' what would I do then? Would I give my child some of the speeches we have heard in this House in the past six days and throw him out the door?" Obviously, I would be concerned. Obviously, there would be repercussions. Obviously, I would look at myself and ask, "What did I do wrong?"

My guess is that most of us, after we had got over the shock, would embrace that child and try to incorporate him into our own family. We would say we did not want anyone to discriminate against him in terms of his job or housing just because of a lifestyle that, for some reason unknown to any of us, he had adopted. If you could put it in the context of a loving parent for all

the children of the province, that might make it a little easier for some of the people who have difficulty with this.

I am proud to support this amendment today. I do not believe we can put it off and off and off and have this kind of debate again. It is a good time to deal with it. We have heard all the arguments, and I am hopeful the majority of the members of this House will support it.

My friend opposite said this debate would leave its scars. I am not sure I agree with that. I do not think that when we do the kind thing, it has to leave scars; I do not think that when we do the just thing, it has to leave scars, or that when we do the tolerant or decent thing, it has to leave scars. I think we can all walk out of this House tonight—I hope this resolution will pass—saying, “We have done the right thing for Ontario and we are proud all to support it.”

**18:03**

The committee divided on whether subsections 18(1) to (5) should stand as part of the bill, which was agreed to on the following vote:

Ayes 64; nays 45.

**Mr. Bernier:** On a point of order, Mr. Chairman: May we have a recorded vote on this, please?

**Mr. Chairman:** It can be a recorded vote if there is unanimous consent.

**Hon. Mr. Nixon:** Mr. Chairman, the House in committee has always voted this way since Confederation. The member has the count. Everybody's picture is on television.

**Mr. Chairman:** There being no consent, there will be no recorded vote.

On motion by Hon. Mr. Nixon, the committee of the whole House reported progress.

**The Deputy Speaker:** Pursuant to provisional standing order 30, the motion that this House now do adjourn is deemed to have been made.

#### ALCOHOL ON OPP BOAT

**The Deputy Speaker:** The member for Carleton-Grenville (Mr. Sterling) has given notice of his dissatisfaction with the answer given by the Attorney General (Mr. Scott) to his question concerning the investigation of the Solicitor General (Mr. Keyes) and his failure to answer the question adequately.

The member has up to five minutes to debate the matter, and the minister may reply for up to five minutes. Perhaps the member would wait for a minute until things settle down. Will members please clear the floor as quickly as possible? Thank you.

**Mr. Sterling:** I do not know what one feels like as a politician when everybody is rushing into the Legislature to hear one's remarks on a particular fact, but I am glad to see that some remain.

I want to talk briefly about the answers to questions I asked with regard to the investigation surrounding the Solicitor General's alleged misbehaviour this past summer.

**18:10**

The facts are, we know that on June 21 the Solicitor General entertained a number of dignitaries on an Ontario Provincial Police boat in Kingston. The Solicitor General ordered the OPP to bring on board liquor and other alcoholic beverages. He drank liquor along with his guests. As a result of that, no charges were laid.

The matter was raised in a Toronto newspaper and brought to our attention at that time. We have subsequently found that there were 800 other ordinary citizens in this province who did approximately the same thing as the Solicitor General but who were charged and fined, whereas neither the Solicitor General nor his guests were either charged or fined. We have also subsequently found that the policy of the OPP is that if there are dignitaries on board, those dignitaries will not be charged.

This group of facts, as clearly as we can determine that they are facts, has raised a number of issues. One issue is whether drinking on a boat, as put forward under the Liquor Licence Act, is a serious and grievous offence. I do not think any of us would allege it is a very serious offence; but that is what the law is, and if the law is silly, then it is incumbent upon the people who are in government to change that law.

Is the fact that the Solicitor General might have compromised the OPP for requesting that liquor be brought on board and by having himself and his guests consume it in the open, contrary to the law, a very serious mistake because of the compromising of that position? I think it is a serious matter but not a grievous one.

Is the policy of the OPP, as laid down by the Solicitor General, to treat dignitaries differently from ordinary citizens, the 800 citizens across this province, a serious problem or a serious issue? It is a most serious issue, because it is contrary to the rule of the law that all of our citizens in this province be treated equally.

Is the fact that the Solicitor General has remained Solicitor General after the Attorney General has instituted a police investigation a serious issue? I believe it is a serious issue, although I know the Attorney General, the

Solicitor General and, obviously, the Premier (Mr. Peterson) do not consider it a serious issue.

What we now have is a police investigation of the chief cop in our province—a police investigation, if you would have it, of a boss by his employees in a very remote sense. Yesterday, I asked the Attorney General about the investigation, and he said there would be no cost to the province. I fail to understand his answer, in that the Metropolitan Toronto Police receive some grants from this province, and presumably their investigation is going to cost some money.

Both the Solicitor General and the Attorney General have mismanaged this issue from the start. They have failed to show the people of Ontario that the law will be equally applied to any citizen. They have also failed to maintain the perception that the justice system, as led by the Attorney General and the Solicitor General, will act in their interests and against them or for them, like any other person in this province.

That is my complaint. I hope the Attorney General will address those issues head on.

**Hon. Mr. Scott:** This process is of course triggered by the honourable member's concern that I have not satisfied him with my answer. Happily, this is not a test that is often called upon, or I would be here every night at six o'clock, apparently.

The important thing to observe about this is that after the Solicitor General volunteered to the press a complete personal account of the circumstances, questions were raised in this House about what took place. As soon as that happened, it was decided an investigation should take place, and though I cannot compel an investigation, I invited the Metropolitan Toronto Police to conduct an investigation. As I said yesterday, there are no direct costs associated with that investigation. The investigation is not concluded. It will be concluded in a relatively short time. When it is concluded, the determination will be made as to what is proper to do in the circumstances.

My friend, in a mildly righteous fashion, asserts that he relies on the rule of law. The first precept of the rule of law, as he knows, is not to make any prejudgement. I counsel him. Politics can wait a day or two. There will be an opportunity to discuss this in the fullness of time when an investigation has been conducted, but it does nothing for the judicial process or for our rule of law to engage in this kind of political oratory when an investigation is under way.

**The Deputy Speaker:** There being no further matter to debate, I deem the motion to adjourn to be carried.

The House adjourned at 6:16 p.m.



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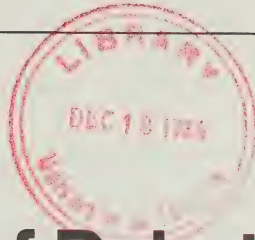


No. 74

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 33rd Parliament**  
Wednesday, December 3, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 3, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS'S STATEMENTS

### NATIVE FISHING AGREEMENTS

**Mr. Pierce:** Today I would like to address the matter of native fishing agreements currently being negotiated by the province, the federal government and the native communities. I believe this government is deliberately withholding information from the Progressive Conservative northern caucus on these very important negotiations.

As chairman of the Progressive Conservative northern caucus, I have requested and been denied a meeting between the special negotiator for native issues, Al Stewart, and the northern caucus. The PC northern caucus represents the majority of the residents who will be directly affected as a result of the fishing negotiations; yet this government has seen fit to prohibit Mr. Stewart from meeting with our northern members.

The Liberal government continues to tell the people of Ontario that it is an open government, willing to provide answers to all the questions asked of it. When asked to provide answers on the important issue of native fishing agreements, how can this government justify secret meetings and its unwillingness to provide relevant information?

As chairman of the Progressive Conservative northern caucus, I ask this government to allow the special negotiator for native issues to meet with our northern members to discuss the native fishing agreements.

### PEARSON PEACE MEDAL

**Mr. McClellan:** I want to bring to the attention of the members of the House an important honour that was recently given to one of my constituents. I am speaking of Meyer Brownstone, who is the 1986 recipient of the Pearson Peace Medal, which is given each year by the United Nations Association in Canada.

This year's award was presented to Meyer Brownstone by Governor General Sauvé on October 23. As members may know, the Pearson

Peace Medal is named after Lester Pearson, and the award recognizes a Canadian who has contributed to the causes supported by the late Prime Minister, including aid to developing nations, mediation to settle armed conflicts and help for refugees.

Meyer Brownstone is an old friend of mine and of many other members of this House. He teaches political science at the University of Toronto and is director of the Centre for Urban and Community Studies at the U of T, but for many years his real avocation has been to give leadership as the chairman of Oxfam Canada.

We are pleased and delighted that his life commitment to the causes of peace and justice has been recognized and honoured.

### SUNDAY TRADING

**Mr. McLean:** The total lack of control of this government by the Premier (Mr. Peterson) has changed Ontario from a province of opportunity to a state of chaos. Through this lack of control with regard to the opening of Sunday store hours, he has created a situation well within the realm of chaotic.

In Orillia, a major chain merchandiser is opening this Sunday. A staff member is being told that the store will be open and that she will be required to be on duty. If this person refuses, she could be fired. This staff member called the Ontario Labour Relations Board and was told that she would indeed risk dismissal if she refused to work. The person then called the Orillia city police and was told it was illegal to open the store on Sunday and that the store and its employees would be subject to a fine for violation of the Sunday store hours act or the Lord's Day Act.

This constituent of mine needs this job. The city needs her contribution to the economy. Her family needs her at home on this day when they can all be together.

Through his fence-sitting efforts, the Premier is playing games with people's family life. This person and her family cannot afford to live without a paycheque. They cannot afford to pay a fine, which I understand can run as high as \$10,000. One does not fine a drunk driver and tell him to pay and drive on. The Premier, in

effect, is forcing people such as this person in Orillia to work against their will, their better judgement and against the law.

I ask the Premier, is slavery coming back with the Liberal government?

#### LAYOFFS IN NORTHERN ONTARIO

**Mr. Wildman:** Recently, in answer to our questions regarding the failure of this government to respond to the economic crisis in northern Ontario, the Premier (Mr. Peterson) asked me why I never talk about the small community of Searchmont in my riding. He is proud of the fact that this government has responded to our requests for assistance to ensure that Searchmont Valley Resort continues to operate and expand to stimulate tourism in the Sault Ste. Marie area.

Today I would like to say a few words about the economy of Searchmont. Obviously, the Premier is unaware that the main industry at Searchmont, the lumber and veneer mill, has laid off most of its 150 or so employees. The mill is owned by G. W. Martin Lumber Ltd., which purchased it about a year and a half ago from Weldwood of Canada. At that time, I suspected that G. W. Martin wanted the timber limits attached to that mill to feed another mill it owns in Sault Ste. Marie, and I prevailed upon the Minister of Natural Resources (Mr. Kerrio) to ensure that the company would operate the Searchmont mill before he approved the transfer of the limits.

The company claims that the current shutdown is a short-term response to the American countervail, but there is evidence that the layoff may be extended beyond the early January startup. G. W. Martin is transferring much of the timber that is being cut in the Searchmont area to its Sault operation.

G. W. Martin never really wanted the mill at Searchmont; it wanted the timber. If the Premier had any real commitment to the economy of Searchmont, he would prevail upon his colleague to ensure that the timber cut in the Searchmont area is used for the operation of that mill and is not transferred to another G. W. Martin operation.

#### VOLUNTEER FIREFIGHTERS

**Mr. Brandt:** I stand to speak on a matter of urgency and great importance for all communities served by volunteer firefighters. I have been informed by Robert Timms, the fire chief for Sarnia township, and by Bruce Japp from the Lambton-Kent Fire Fighters Association, that

the Ontario Fire College will not be offering weekend courses in 1987 to train volunteer firefighters.

My staff contacted the Ontario Fire College today and was told that the weekend courses will be suspended because of shortage of staff and budgetary restraints. This is in spite of the fact that more than 300 applications have already been received from volunteer firefighters for weekend courses and in spite of the fact that highly successful weekend courses were run in 1985 and 1986.

Volunteer firefighters are among the most dedicated groups in our province. They freely donate their time to the municipalities they represent. At times, they even risk their lives for their friends and neighbours. To perform their duties, they need the professional training offered by the college. However, as volunteers, most of these individuals hold regular weekday jobs. If these individuals can give so much of their time and energy, the very least the Solicitor General (Mr. Keyes) can do is to provide the necessary funds to allow for weekend sessions to be conducted at the Ontario Fire College.

On behalf of my party, I call upon him to correct the situation as soon as possible.

#### RECOGNITION OF JOURNALIST

**Mr. Philip:** Last night the Alliance of Canadian Cinema, Television and Radio Artists National Radio Awards were presented. Considering the very high standards of Canadian broadcasting, there was some very tough competition for those awards.

I know all members of this House were pleased to hear that one of our own press gallery members, Gerry McAuliffe, won the best news reporter/investigative journalist award for his series on the problems of Ontario's courthouses. This series of news reports provoked a full inquiry by the Provincial Auditor of Ontario, whose study will be tabled before the standing committee on public accounts in January.

Gerry McAuliffe has brought a new style of investigative, hard-hitting reporting to radio news. His investigative approach has set standards for the profession. On accepting his award last night, he indicated he was thankful the event was receiving only radio coverage since he was so excited he feared he might wet his pants. I know many cabinet ministers faced with Gerry McAuliffe's tough questions must feel exactly the same way.

We in the New Democratic Party feel so confident Mr. McAuliffe will be a strong



contender for next year's award that we have chipped in and purchased this pair of rubber underwear for him to wear just in case the ACTRA awards are televised. No doubt Mr. McAuliffe will want to wear them to the press gallery Christmas party in a couple of weeks to relieve the anxieties among our caucus that we may have purchased the wrong size.

On a serious note, Gerry McAuliffe is a top professional reporter with a lot of energy and a lot of courage. I am sure all members wish him many years of reporting the events in the Ontario Legislature.

### SPEAKING CONTEST WINNER

**Hon. Mr. Riddell:** On a point of order, Mr. Speaker: Prior to statements by the ministry and responses, I believe I have a most interesting and legitimate point of order. I would like to draw to the attention of Mr. Speaker and the House a young lady in the members' gallery by the name of Anne Howden, who is acting as Minister of Agriculture and Food for the day and who is accompanying me on my round of duties. Anne Howden is the winner of a province-wide speaking contest sponsored by my ministry and by the Royal Winter Fair. I know everybody would like to extend her a warm welcome.

**Mr. Brandt:** The minister may want to clarify this, but I understand that second prize is two days with the minister.

13:43

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ENVIRONMENTAL PROTECTION LEGISLATION

**Hon. Mr. Bradley:** On July 3, 1986, I introduced the Environmental Enforcement Statute Law Amendment Act. Bill 112 broadens and dramatically increases the penalty provisions of the Environment Protection Act, the Ontario Water Resources Act and the Pesticides Act. It is designed to ensure that judges can mete out appropriate consequences to perpetrators of serious environmental offences.

With Bill 112, our government wanted to make it cheaper to comply with our environmental laws than to break them. Today I am pleased to advise the House that I shall be introducing amendments which will make this message even stronger and clearer. These amendments will raise the maximum fines to as high as \$250,000 a day for the most serious offences. They will impose on the officers and directors of corporations an unequivocal duty to prevent pollution

offences. They will give the Ministry of the Environment the authority to require a deposit of financial security as a condition of approval. They will remove crown immunity from the Ontario Water Resources Act.

I have listened carefully to submissions from the public on Bill 112 and am persuaded that even higher fines are needed to discourage polluters and to indicate to the courts how serious the people of Ontario and this government are about protecting the environment.

Not all pollution offences cause dramatic fish kills or ruin a drinking water supply for years to come. More often, environmental degradation is like suffering death by a thousand cuts. The only way to prevent that end is by taking each cut seriously and deterring it from recurring.

Accordingly, we intend to amend Bill 112 to raise the fines for corporations convicted of polluting or violating emergency stop orders from a current second-offence level of \$10,000 to \$100,000 and the fines for the most serious offences involving liquid industrial waste and hazardous waste from a current \$50,000 to \$250,000. For most other offences, the fines for corporations will be raised from \$5,000 to \$25,000 for a first offence and from \$10,000 to \$50,000 for subsequent offences.

Last July we clarified that corporations are responsible for the conduct of their employees and agents. We wanted to give corporations a strong incentive to set up effective pollution prevention systems. Today I am adding another strong incentive for corporations to take care with the environment. I shall introduce an amendment to state unequivocally that each director and officer of every corporation that engages in an activity that may result in a discharge of a contaminant contrary to our legislation has a duty to take all reasonable care to ensure that the corporation implements the appropriate pollution control systems to prevent such an unlawful pollution incident.

The failure of officers and directors to take all reasonable steps to prevent pollution offences will in itself be a violation of the law. This is a key provision long advocated by environmentally concerned citizens, and I am pleased our government is adding it to Ontario's laws.

Many corporations have already voluntarily accepted this responsibility to seek out and eliminate the causes of pollution before they result in environmental damage. Whether they call such procedures "environmental risk assessments," "hazard and operability studies" or "environmental audits," many concerned corpo-

rate citizens are now making pollution prevention an important part of their day-to-day operations. Now their competitors must do the same, or their officers and directors risk prosecution.

I shall be introducing an amendment to provide the Ministry of the Environment with the authority to require financial assurance for projects and abatement programs approved or ordered by the ministry. For a number of years, particularly in the waste management area, the Ministry of the Environment has required that applicants provide financial security, such as bonds or letters of credit, as a condition of approval. This is to ensure that those parts of the project which are essential to protect the environment are built and that the funds are available to remedy any adverse environmental consequences of the project.

Today I propose to add a new part to the Environmental Protection Act to confirm this practice and to broaden its scope and applicability. We will now be able to require financial assurance as part of virtually any control order or approval issued under the Environmental Protection Act or the Ontario Water Resources Act.

This requirement will still be subject to the appeals procedure before orders and approvals are made final. In addition, the person who provides the financial assurance will have the right to an appeal before the security is forfeited. The financial assurance will be returned to the company when all requirements of its orders or approvals have been met.

These new powers will be particularly useful when a company has failed in the past to carry out its promises or has not met its deadlines for pollution control and abatement programs.

I believe these amendments and previously announced revisions of Bill 112 will provide a powerful incentive to make protection of the environment an integral part of all aspects of the corporate decision-making process.

**Mr. Harris:** I find it passing strange that after 16 months, the Minister of the Environment is once again making a big statement, probably with a big press release and probably with another package heading out, about how he is going to get tough on polluters.

It is typical of this government. We had Bill 11 on condominium conversions, with about 85 press announcements and 85 reannouncements. Finally, more amendments were brought into the bill than there had been sections in the total bill when it was first introduced.

We had Bill 105 on pay equity. There were lots of press releases announcing it was going to come, it would be coming soon and then, "Here it is." Six months later, they are not very proud of it; then there is a month of boycotting the committee process, and a new bill, Bill 158, is brought in, to take effect some time in 1990.

Now amendments have been brought in to a bill that was originally introduced on July 3. Quite frankly, I do not know why it took until July 3 to introduce it originally. Perhaps that was the most convenient date before the House adjourned, so the minister could get the press release out and have it sit out there and create the impression and the illusion this government has been so good at—and others have helped to perpetrate the myth—that it is actually doing something.

Now, close to two weeks before we are going to adjourn for Christmas, we have tabling of some amendments. Why was this bill not dealt with last spring? Why was it not dealt with in the summer? Why was it not dealt with the first day back? The only thing that has happened is that Tom McMillan, the Conservative minister in Ottawa, came out with penalties that are far in excess of and far more meaningful than what this government has proposed. Everything sat on hold for a time.

Now we have another press release and another statement about these amendments. I find it passing strange that we have press releases and announcements and announcements and announcements. When are we going to get on with the legislation?

At the same time as there are all these announcements, nothing seems to proceed with respect to the beaches cleanup; there is a lack of funding. There are problems with air regulations and drinking water quality. Nothing is happening with respect to recycling. Basic transfers to municipalities to allow them actually to do something to improve the environment are down, and not in inflationary terms but in real dollar terms. The minister is well aware of some of them in my riding; and they are in every riding across this province. We welcome the statement once again.

**Mr. Fontaine:** A good statement.

**Mr. Harris:** Sure. It would have been a good statement 16 months ago. It is something that should have been dealt with a long time ago. We are getting a little sick and tired of press release after press release and announcement after announcement, with no action on the environment by this ministry and this government.



**Mrs. Grier:** In response to the statement today by the Minister of the Environment, at the outset I have to say I am a little hurt that at the end of the statement he did not give a long list of the authors of this conversion on the road to stiffer fines and penalties. Certainly, the Minister of the Environment was not one of the original authors.

When I look back at the statement we all got on July 3, the claims to a new era of environmental legislation sound very similar to the claims we heard again today. He said then, "I believe the new enforcement structure introduced today will provide appropriate deterrence for offences against the environment in Ontario." I am very glad to say that somehow, between July 3 and December 3, those of us who said in July that it was a paper tiger have to some extent been listened to.

Before we get actually to implement the bill, assuming that the calling of it in Orders and Notices is intended to happen quickly, I hope there may even be a third version. I hope that third version will include some minimum fines. I also hope it will include the same level of penalty, \$500,000, that the federal Minister of the Environment, Tom McMillan, is intending to impose. I know I would have the full support of my friends on the right for that level of deterrence. Therefore, the minister can be assured of our support.

I regret it has taken the minister five months to persuade the other members of cabinet that the legislation as he first introduced it was not strong enough. I somewhat regret it is not more explicit that pollution offences are a crime and need to be treated as a crime in this province, but it is a vast improvement over the original legislation. I look forward to a constructive debate as to how it can be made even better and how it can be implemented to make sure we do not have any more pollution in this province.

#### INTERNATIONAL TELECOMMUNICATIONS DISCOVERY CENTRE

**Hon. Ms. Munro:** I rise today with pride to share with my colleagues in the House news of a great step forward for Canada's cultural and telecommunications industries.

This evening in Brantford, my federal colleague Flora MacDonald and I will announce the first commitments under the Canada-Ontario cultural development agreement. These commitments will entail \$500,000 from each of our respective governments for phase 1 of the

International Telecommunications Discovery Centre in Brantford.

The International Telecommunications Discovery Centre is the spiritual heir to one of Brantford's most famous native sons, Alexander Graham Bell. It was in Brantford that the modern communications era started with the first long-distance telephone call to Paris, Ontario.

Brantford will again be the site of a new era when the centre opens for business. Comprising the Teleheritage Museum, Telecom 2020 Discovery Place and the Intelcom Canada Institute, the International Telecommunications Discovery Centre is a tribute to the past, an explanation of the present and a guide to the future.

Canada and Ontario signed a cultural development agreement for the first time in September. The centre was flagged as a priority at that time. I am proud that we have moved so swiftly to demonstrate our commitment to the project. One reason we could move so quickly with this project is the tremendous amount of co-operation we have enjoyed. The federal government, this government, the city of Brantford and the private sector have all contributed as partners to making this particular dream a reality.

The International Telecommunications Discovery Centre will be a national focal point in Canada and North America for culture, science, technology, history, education and tourism. The centre clearly shows us the link between technology and culture. It will be a source of great pride to us all. I am delighted that the Ministry of Citizenship and Culture is a supporter of and participant in this project.

**Mr. Gillies:** I welcome the announcement of the Minister of Citizenship and Culture reconfirming the commitment the province made to the International Telecommunications Discovery Centre in Brantford, which I announced on behalf of the previous government in the spring of 1985. Now with the achievement of the federal-provincial agreement, and despite the concerns voiced earlier by the Premier (Mr. Peterson), it is great to see the new government embracing this very worthwhile project.

I offer my thanks to the Treasurer (Mr. Nixon) for his assistance in reconfirming this, to the Honourable Flora MacDonald of the government of Canada, to our own Minister of Citizenship and Culture and to the mayor and people of the great city of Brantford. We all worked together, and it is going to be great. We look forward to the opening.

**Mr. Allen:** I rise to respond to the statement by the Minister of Citizenship and Culture with



regard to the establishment in the neighbouring community of Brantford of the International Communications Discovery Centre and the component parts, the Teleheritage Museum, Telecom 2020 Discovery and the Intelcom Canada Institute.

In the first instance, the recognition of telecommunications in our time rests upon a very central fact of Canadian life, which was recognized as a physical necessity by Alexander Graham Bell, namely, the necessity of communications for all our communities to link up across this vast continent in a single unified national community; as well as on the outstanding work of Harold Innis at the University of Toronto, who first made us recognize, as Canadians, how much our culture rests upon the communication system upon which we live day by day in this country and out of which our history has grown. Marshall McLuhan also did further work along that line.

It is extremely important for us to recognize not just that we are promoting a leading Canadian industry, which is exceptionally important at this time, namely, the telecommunications industry, in which we are world leaders without doubt, but also how much of an interplay there is between culture and transportation, culture and communications, in the very fabric of our lives in this country.

On behalf of our colleagues, I appreciate very much the establishment of the International Telecommunications Discovery Centre in Brantford, and I compliment the minister for work in that regard.

14:01

## ORAL QUESTIONS

### SUNDAY TRADING

**Mr. O'Connor:** I have a question to the Attorney General. He and the government will be aware that the Sunday shopping situation is very rapidly getting out of hand. The papers are full of ads for store openings, particularly by the large retail department stores, which intend to flagrantly violate the law on the forthcoming Sunday and Sundays right up to Christmas.

The government has indicated it cannot guarantee enforcement of the law as it stands. Employees do not know where they stand with respect to the provisions of the law and what the government is going to do. The government says it is awaiting the Supreme Court ruling, sitting on its duff awaiting the Supreme Court ruling, which may come this month and which may not. What is the government going to do to ensure obedience of the law in Ontario?

**Hon. Mr. Scott:** I do not regard it as appropriate to say the Supreme Court of Canada is sitting on its duff. The point is that the case has been argued and has been reserved by the court, and I hope there will be a decision from the court shortly.

I should emphasize to the honourable member that, notwithstanding the views of the Leader of the Opposition (Mr. Grossman), who is on record in favour of an open Sunday, we propose to continue to lay charges and will do so, in particular if there are any breaches on the coming weekend.

I assure the member, as he knows, that any employee who does not care to work on Sunday and is employed in a trade that is regulated by the act is not obliged to work on Sunday. I assure all members that no jobs will be lost in Ontario by any employer attempting to force employees who do not want to do so to work on that day.

**Mr. O'Connor:** The Attorney General well knows the position of the Conservative Party as enunciated in our report at the beginning of this year. He also well knows the Leader of the Opposition would not advocate the breaking of the law.

Our report calls for, among other things, an increase in the penalties for violation of this act. Yesterday, the Solicitor General (Mr. Keyes) similarly called for an increase in penalties. The Minister of Consumer and Commercial Relations (Mr. Kwinter) also called for an increase in penalties.

Will the minister introduce an amendment today to increase the penalty section of that statute, which I can advise him will receive support from this party for passage in one day? If he will introduce that matter this afternoon, he will have the full support of this party to pass it immediately.

**Hon. Mr. Scott:** I assure the member I have read the blue volume he brandished. His party is not bound by the tyranny of discipline, as was made clear, so I understand well that the Leader of the Opposition has not referred to it.

I want to make one point, though, in response to the substantial question he raised on whether the penalties under this act should be increased. It is a good question, but I have come to the view that it is not appropriate to alter the act, and in particular to alter the penalties in respect of it, at the very moment when the propriety of the act is being considered in the Supreme Court of Canada.

**Mr. Gillies:** By way of supplementary to the Attorney General—

Interjections.

**Mr. Speaker:** The member for Brantford would like to ask a supplementary question.

**Mr. Gillies:** Yesterday, both the Minister of Consumer and Commercial Relations and the Solicitor General, in their various statements to reporters, said they felt the major problem right now was the level of fines.

Does the Attorney General not see that without touching the substance or form of the legislation, with the agreement of our party, we could pass interim legislation in one day to increase the fines to see him through what could be a very difficult Christmas period, until he has time to review the court decision and make substantial amendments? Will the minister not agree to do that?

**Hon. Mr. Scott:** I understand the helpful offer the member and his party make. However, they surely understand that as a question of propriety, it is not right to amend legislation which at the very moment is under reserve in the Supreme Court of Canada.

When the Supreme Court of Canada gives its decision, if it upholds in general terms the constitutionality of the law, the Premier (Mr. Peterson) has already indicated that will be the time when amendments of whatever variety will be considered. I believe it would be wrong, as a matter of principle, to amend the act at the very time when it is being considered by the Supreme Court of Canada.

**Mr. Brandt:** Is he wrong to enforce the law during the same period?

**Hon. Mr. Scott:** No, and I am not.

**Mr. Pope:** With respect to the Attorney General, he is wrong on what he just said.

#### IDEA CORP.

**Mr. Pope:** I have a question for the Minister of Industry, Trade and Technology with respect to the Wyda matter. The minister has not been forthcoming with the members of this Legislature on this matter.

We have now obtained copies of the court documents, the application and the affidavits filed in the order of the court. Can the minister explain to me where his ministry and his government have made any attempts to recover the \$462,525.98 paid personally to the president of Wyda Systems (Canada) Inc., the \$584,670 paid to Budgrove or the \$30,000 paid to Canadian Intercorp? Can he explain to me from these documents where he has taken any steps to recover the public's money, that \$3 million he threw away?

**Hon. Mr. O'Neil:** As was mentioned, the firm of Peat Marwick has been appointed to have a look at the books. We are awaiting that report, and we expect it some time within the next week and a half.

**Mr. Pope:** With respect, this minister does not know what he is talking about. Peat Marwick was appointed as interim receiver with respect to Wyda Systems (Canada) Inc., not with respect to Avi Dobzinski, not with respect to Budgrove and not with respect to Canadian Intercorp. What steps is the minister taking to recover the taxpayers' money that has now gone to these companies and to these individuals? There is nothing in the court documents. What steps is he taking?

**Hon. Mr. O'Neil:** We intend to wait until we receive the report from Peat Marwick to determine where and why any disbursements have been made.

**Mr. Pope:** This is a continuation of the lack of co-operation and the coverup of this government on this matter. We already have a member of the Premier's (Mr. Peterson) transition team personally involved in giving opinions on information to two of the parties that were involved in the original investigation by the standing committee on public accounts. We already know that lawyer met with the lawyer for the Liberal caucus. We also know those lawyers met briefly with the Attorney General (Mr. Scott). Will the minister stop this coverup and put this matter out to a judicial inquiry right away so we can get the public's money back?

**Hon. Mr. O'Neil:** There is no coverup. This government took action over the weekend when it felt it needed to take such action, because the firm in question would not co-operate with the requests that were made by the public accounts committee.

**Mr. Gillies:** You did not co-operate with the public accounts committee.

14:10

#### NURSING HOMES

**Mr. Rae:** I have a question for the Premier. Can he tell us why his government continues to allow the trade in nursing home beds and, in effect, the trade in nursing home patients and the forced relocation of nursing home patients in Ontario when study after study documents the fact that people die as a result of forced relocation? There are studies which show that people die as a result of forced relocation; yet that



is precisely what his government is condoning. Why is he doing it?

**Hon. Mr. Peterson:** I regret the Minister of Health (Mr. Elston) is not here to discuss the issue the honourable member has raised here today. I will certainly bring all his concerns to the minister's attention. If the member has specific concerns, I hope he will raise them here in the House.

**Mr. Rae:** The Premier can try to mumble his way out of this one if he wants to, but he cannot. People are dying as a result of forced relocations, and his government is condoning the practice. His government is doing nothing to stop the trade in nursing home beds.

The question I have for the Premier was raised with the Minister of Health on November 12 with respect to a home in St. Thomas. I am raising it today with respect to a home in Tavistock owned by Caressant Care. Why is this trade in nursing home patients and beds going on when we know it kills people?

**Hon. Mr. Peterson:** I apologize to the member, but I am not familiar with the particular home he raises or the incidents that I gather he is referring to. As I told him before, I will discuss this with the Minister of Health and get back to him with the details.

**Mr. D. S. Cooke:** I suggest to the Premier that this matter is extremely serious. His Minister of Health has not responded to the case in St. Thomas, which involved a nursing home as well as Caressant Care, which bought the one nursing home and forced the residents to move to its other nursing home, eliminating competition. It will kill people because of the transfer. The same thing is now happening in Woodstock, and Caressant Care is involved again.

I ask the Premier to talk to his Minister of Health and suggest that they put in place a policy that says we are not going to allow monopolies in regions and we are not going to force old people to move from one nursing home to another without consultation with the residents or the residents' families.

**Hon. Mr. Peterson:** I will certainly discuss with the minister the matter the honourable member and his leader have raised in this House. I apologize; I am not familiar with the specifics of his question, but I will certainly discuss it with the minister and report back to him.

#### PLANT SHUTDOWN

**Mr. Rae:** I have a question to the Premier about the Goodyear closing. Can the Premier

explain why his Minister of Labour (Mr. Wrye) and his Minister of Industry, Trade and Technology (Mr. O'Neil) would state in the House that legislation is being considered when, in fact, no legislation has been brought before cabinet or, as we understand it, any committees of cabinet?

**Hon. Mr. Peterson:** How does the honourable member know what is before cabinet? I know he likes to take credit for everything that is coming along, but how does he know what is being discussed on that matter?

As he knows, there is a suggestion that it should go before a committee of this House, and it is something we completely agree with. I gather there was a resolution to discuss this and I gather the House leader has suggested that this should be discussed at the standing committee on finance and economic affairs, something we completely approve of.

**Mr. Rae:** This is not good enough. The Minister of Labour has said, "Law Could Force Firms to Justify Layoffs, Wrye Says," an article appearing in today's Toronto Star. Yet at the same time it is perfectly clear, and the minister himself has admitted it, that no legislation is before cabinet and no legislation is before a committee of cabinet. Why would the Minister of Labour go outside and tell the workers at Goodyear that legislation is being contemplated when, on the Premier's own admission, it is not being contemplated?

**Hon. Mr. Peterson:** Why does the member not ask the minister? He is right here. Why not ask him the question? He is the one the member is quoting. I would be happy if the member would ask him.

**Mr. Rae:** No. I am asking the Premier of this province to deal with an issue that affects thousands of workers in this province who are being screwed around by a government and a Minister of Labour who do not care about them and by a Premier who would rather be flip than answer the questions that are put to him.

I would like the Premier to answer this question: when are we going to see legislation that is finally going to protect working people in this province instead of allowing corporations to continue to rip them off day in and day out in Ontario?

**Hon. Mr. Peterson:** I know my honourable friend would rather shout than solve some of these problems. The ministers have been very active in that particular situation.

**Mr. Martel:** No, they have not.



**Mr. McClellan:** He has had 18 months and he has not produced any legislation.

**Hon. Mr. Peterson:** They have been. A lot of work has been going on. A lot of alternatives are being explored in this situation. If the member is recommending we bring in legislation to say no plant can close in this province, that will probably not happen. That is rather unrealistic in the circumstances. A great deal of work is going on to find a constructive solution. Whether that can be found or not I cannot tell the member at this time. If he would like to instruct his members to bring it in front of the standing committee on finance and economic affairs, he can have a thorough review of the situation. We are very happy with that alternative.

#### IDEA CORP.

**Mr. Gillies:** My question is also to the Minister of Industry, Trade and Technology. He would have us believe that in the Wyda affair his government and his ministry are making serious and determined efforts to get to the bottom of this, to find Mr. Dobzinski and to see where the money is. Will the minister share with the House how two daily newspapers in this city could find out where Mr. Dobzinski is and, by his own concession, his intention not to return to Ontario? How could the press find all this out and lay it out while the minister and his officials were completely incapable of doing likewise? Does the minister not see that this points again to the necessity for a public inquiry into this matter?

**Hon. Mr. O'Neil:** We are aware that Mr. Dobzinski is in Israel. He has chosen to deal with us through his lawyer. That dealing has been going on back and forth. The member is also likely aware that the standing committee on public accounts met with the Provincial Auditor, and the Ontario Development Corp. people met with him personally on November 12. Certain information the members required was asked for at that time. There was a subsequent meeting, on November 20. That information was still not forthcoming, but he chose to have the lawyers deal with us at that time. Because that information was not forthcoming, either to the public accounts committee or to us, we did bring the receivers in on Monday.

**Mr. Gillies:** I am sure the minister's efforts are well intended, but does he not understand that the public accounts committee asked for an audit in this affair in September, and co-operation in that regard was not forthcoming from the ministry. We know this case goes to the very heart of the government. The minister's execu-

tive assistant met with officials of this company at one time, and the Attorney General (Mr. Scott) was involved in one meeting regarding this affair. Does the minister not see that his government cannot itself investigate this matter, which has to go outside the government to a judicial inquiry, where it can be impartially and properly judged?

**Hon. Mr. O'Neil:** Several moves have been taken in this case. First, the public accounts committee has been investigating it. Second, Mr. Biddell has been appointed by this government to examine it. Third, we have now also placed in Peat Marwick to have a look at it. Pending the results of that, we will take further action.

#### SUNDAY TRADING

**Mr. Mackenzie:** I have a question of the Minister of Labour, with some reservations. In lockstep with other malls and shopping centres around the province, Cadillac Fairview has now sent around forms to all the tenants of the huge Limeridge Mall in Hamilton informing them that they will be open on Sunday from 9 a.m. to 6 p.m. and requiring them to sign the forms. If charged, it is the individual tenant's responsibility.

This greed on the part of a few puts great pressure on individual tenants and workers. Can the minister tell the individual owner, and also the employee on salary, currently working 48 hours a week, who now has to work Sunday as well, what recourse he or she has if he or she does not want to work on Sunday? Can he give me some details? What the Attorney General (Mr. Scott) said is not worth the powder to blow it to hell.

**Hon. Mr. Wrye:** I will deal only in terms of the workers. The Attorney General has put the point quite properly. The opening of any establishment covered under the act is quite illegal. Indeed, it is also illegal for workers. Workers face the possibility of being charged. We expect that no worker will be forced to work on this Sunday or any other Sunday. The worker would be placed at risk in terms of prosecution as a result of working.

**Mr. Mackenzie:** That answer is not going to give a lot of heart to the workers involved. Is this government not now prepared to show some immediate leadership, act with much tougher legislation regarding store closings, including substantially higher fines, so that they are not mere licences, which is all they are at present, and clearly outline the right of workers in retail operations to a day of rest and proper hours? In

other words, will the minister start giving the thousands of workers in the retail industry the same kind of break we give a few of the big money boys so easily today when the chains want to open?

14:20

**Hon. Mr. Wrye:** I do not think the honourable member will be surprised when I simply refer to the answer that was quite properly given earlier by my colleague in the House, in which he indicated that the appropriate time to move any amendments to the act would come after the Supreme Court renders its decision. The Premier (Mr. Peterson) indicated some time ago that any amendments this government might contemplate for the Legislature's consideration would come at that time.

#### LAYOFFS IN NORTHERN ONTARIO

**Mr. Brandt:** I have a question for the Minister of Industry, Trade and Technology. As he is probably aware, in October of this year, 5,200 layoffs took place in northern Ontario. With only 9.2 per cent of the population of Ontario, northern Ontario has been experiencing, on a continuing basis, about 25 per cent of all the layoffs that are occurring in Ontario. Can the minister share with me and with the members of this House the steps he has in mind on both a short-term and a long-term basis to create the necessary jobs in northern Ontario?

**Hon. Mr. O'Neil:** During the term of the previous government, the unemployment rates were also very high and sometimes even higher. Over the past six months, the member should have noticed the different steps our government has taken. First, a very important move was in appointing an assistant deputy minister of industry to help to bring secondary industry there. We have also moved many parts of ministries to that part.

**Mr. Davis:** There were 1,500 at Goodyear and thousands in the north. The minister is doing a good job.

**Mr. Speaker:** Order.

**Hon. Mr. O'Neil:** We have put out money through the Northern Ontario Development Corp., through the northern development fund and in many other areas to try to generate jobs in the north.

**Mr. Brandt:** It may be well to remind the minister that the relative unemployment rate at the time another government was in office was even far more attractive and appealing than what this government has been able to achieve,

because at that time unemployment was far higher right across the country. What is the minister going to do about the 15.5 per cent unemployment rate in Sault Ste. Marie? What is he going to do about places such as Terrace Bay, with 65 recent layoffs, or Wawa or Lecours Lumber in Hearst that has just laid off 35 people? What plan of action does the minister have, other than to paper the entire north with his press releases?

**Hon. Mr. O'Neil:** We have made some very important moves to create jobs in the north and will continue in our hard work to do just that.

Interjections.

**Mr. Speaker:** Order. If the members would not mind, there are other members who would like to ask questions. I will just wait.

Interjections.

**Mr. Speaker:** How long do we have to wait before some other members can ask questions? Order.

#### DRUG BENEFITS

**Mr. R. F. Johnston:** My question is for the Minister of Community and Social Services. Can the minister tell us how many people who have been on provincial assistance he believes will be stripped of their provincial drug cards by the government because of increases in federal programs for widows, spouses and the disabled?

**Hon. Mr. Sweeney:** I presume the member is referring to people who are now going to be funded through federal programs as opposed to provincial programs. One group that comes to mind immediately is the seniors who are now 60 and were previously on our program but are going on the federal program.

We understood in some cases—and I want to underline in some cases—they would not be as well off under the federal program as under ours. In those cases we allowed them to retain the benefits that were available to them under the provincial program. Overall, the increase was something in the neighbourhood of about \$130 a month and most of them would be better off under the federal program. That is why they are transferring to it.

**Mr. R. F. Johnston:** I have no doubt as to why they are transferring to it. The question is why the minister is not providing them with drug cards. As he will know, women eligible for widows'-spouses' allowance since September 1, 1985, have been cut off eligibility for drug cards. As of January 1, with the maximum Canada pension plan disability going up, they will be

slightly higher than the maximum for family benefits allowance and therefore all those disabled people at the maximum of \$635 a month will also not be available for the drug cards.

Why is the minister letting the government largess at the federal level make him cheap at this level in not providing the drug cards these people need and deserve?

**Hon. Mr. Sweeney:** Perhaps the member did not appreciate the fact that in terms of total dollars available to them and in terms of the cost of the medicine they require, they can be better off under the federal program. If that is not the case, as I said, in some cases they are being left on the provincial benefits program. Second, they can be put back on the provincial program if a special need is determined and their costs are above and beyond what they were going to receive previously. There are options available.

#### ALCOHOL ON OPP BOAT

**Mr. Sterling:** I have a question for the Attorney General. I understand he has now received a report from the Metropolitan Toronto Police on the investigation of his colleague the Solicitor General (Mr. Keyes). Will the minister table that report this afternoon so that all members of this Legislature can see the results of that investigation?

**Hon. Mr. Scott:** I have not seen the report because I have been in the building today, not in my office. When I go back to the office at the end of question period I will examine the report and let the member know.

**Mr. Sterling:** Why would the Attorney General not table this report? Does it depend on whether this report bears good or bad news?

**Hon. Mr. Scott:** I will tell the member that things are not being done the way they were when my honourable friend was in office. I made plain many months ago the policy we have adopted with respect to the release of reports. If, for example, in the case of any investigation it is determined that a charge will be laid, it is not our practice to release reports for the very good reasons I think I gave when last asked about this some months ago.

I intend to examine the report and then I will determine the course I will take and advise my friend.

Interjections.

**Mr. Speaker:** The member for Scarborough Centre (Mr. Davis) knows we go in rotation. I will recognize the member for the next question in rotation.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Laughren:** I have a question of the Minister of Labour concerning the death of Inco miner Dick Kerr at the Garson mine on August 7 of this year.

For several months prior to Mr. Kerr's death, the union, the local steelworkers, and my colleague the member for Sudbury East (Mr. Martel) had been trying very hard to arrange a meeting with the Minister of Labour because of the large number of rockbursts in that area and in other areas.

Can the minister tell us why he refused to meet with the union?

14:30

**Hon. Mr. Wrye:** There appears to be some confusion. There was some confusion on the part of some people. We had a meeting with the president of Local 6500 and with Mr. Sweezey, head of the health and safety unit at Local 6500. It was a breakfast meeting and it occurred on the same day I was to make a speech at Falconbridge. There may have been a more formal application from the union to meet in Toronto, but in essence the matters it wished to discuss in terms of having more ground control engineers were put to myself, the head of the mining safety branch and one of my assistants that day at breakfast, and action was taken.

**Mr. Laughren:** Given the gravity of the incident, that answer was unworthy of any minister of the crown.

There has been a large number of rockbursts in the area where Mr. Kerr was working. Just a matter of weeks before his death, a huge scoop tram was buried by a rock fall. The company—Inco in this case—knew full well how dangerous it was and still sent Mr. Kerr to work there. Will the minister assure us today that he will lay charges against Inco for sending a very special man to his death?

**Hon. Mr. Wrye:** I want to assure the honourable member and his colleagues from the Sudbury area, and, indeed, his colleagues from the north, that we have moved to add additional ground control engineers. The government considers this matter quite serious and understands the point being made. I agree with my friend that it is a real tragedy. I believe my friend the member for Nickel Belt knew Mr. Kerr personally.

I should make another point in terms of the Kerr fatality. It is inappropriate for a minister to order the laying of charges because one then gets into the realm of political interference. I assure



my honourable friend that the matter of reviewing the facts of the case, the facts of the inquest and the background the honourable gentleman raised in the House will be carefully considered by senior officials of the ministry and officials of the legal branch. If charges are the appropriate action, then charges will be laid.

#### MULTICULTURAL POLICY

**Mr. Callahan:** There is a rather large number of South Asians in my community and I try to meet with them on a regular basis. Some time ago, the minister responsible for multiculturalism apparently went through this province conducting hearings. I am asked on a fairly constant basis what the results of those hearings were and what they are being used for or are intended to be used for by the government. I direct that to the Minister of Citizenship and Culture.

**Hon. Ms. Munro:** This ministry has embarked on a number of negotiations with communities relating to multicultural programs. My colleague the Minister without Portfolio responsible for citizenship and culture (Mr. Ruprecht) has embarked on a number of community dialogues across the province.

To relate back to the question, the South Asian community took part in a number of think tanks several months ago. One of the questions raised in the think tanks was whether they could get together as a community to talk about developments so that they could feel they were in control of their own lives. We therefore hosted a conference on the weekend called South Asians in the '90s. The input received in think tanks from the South Asian community was only one of them. The Caribbean and Mediterranean communities were others. That input is part and parcel of information we are currently analysing as we work towards a revised multicultural policy.

#### IDEA CORP.

**Mr. Pope:** I have a question for the Minister of Industry, Trade and Technology. I have seen news reports over the past 24 hours. Perhaps the minister can explain to the members of the Legislature and to the people of the province the role of one Leo Gray and the Cumberland Group with respect to the Wyda investment and the Spectrum Semiconductor matter?

**Hon. Mr. O'Neil:** I understand he was connected to Wyda and also to LSI Applications Inc., better known as Spectrum. It was a very large loan that the member's government ap-

proved a few days before we took over the government.

**Mr. Pope:** No. The minister's government reviewed and approved it.

**Mr. Rae:** It bought the difference.

**Mr. Pope:** Yes, it did.

How often did the minister, his staff or anyone else in this government, including the Premier (Mr. Peterson), meet with Leo Gray on this matter?

**Hon. Mr. O'Neil:** I believe the member is incorrect. It was approved by cabinet and signed by the then Minister of Industry and Trade prior to our forming the government.

**Mr. Speaker:** New question.

**Mr. Pope:** The minister should answer the question.

**Mr. Gillies:** What about the rest of the question? How often did the Premier meet with Leo Gray?

**Mr. Speaker:** Order. Will the member for Brantford wait with his question?

**Mr. Gillies:** The minister forgot to answer the rest of the question.

**Mr. Speaker:** That is not up to the Speaker. Interjections.

**Mr. Speaker:** Order. New question.

[Later]

**Mr. Pope:** On a point of order, Mr. Speaker: The Ministry of Industry, Trade and Technology indicated that the LSI investment decision was not subject to review. On June 28, 1985, a report in the Globe and Mail clearly indicated that it was a decision subject to review. That is in accordance with the statements of the Treasurer and the Premier of the day.

**Mr. Speaker:** Order. That is not a point of order; it is a point of view.

#### RACE RELATIONS

**Mr. Allen:** I have a question for the Attorney General. We are reminded again in the case of the Enemy of Rambo doll how little protection minorities have in legislation in Ontario in cases of group defamation. Speaking to the press yesterday, the Minister of Labour (Mr. Wrye) said it was not an offence under the Ontario Human Rights Code in this instance.

The Attorney General and his ministry are familiar with the Cohen report, the McAlpine report and the more recent report by our erstwhile colleague Mr. Lawlor outlining a number of approaches to this question. Yet inquiries to the

Attorney General's office indicate nothing is being done with regard to the suggestions from those reports.

Will the Attorney General tell the House whether he intends to act in any respect with regard to their suggestions or to take any other approach to strengthen the position of Ontario legislation vis-à-vis group defamation?

**Hon. Mr. Scott:** The answer to the group defamation problem, as the honourable member knows, is found in the answer to the class action problem. When some determination has been made about the circumstances in which classes of persons who are the victims of negligence or of tort have been resolved, we will have gone a long way to solve the group defamation problem.

I have been looking at the class action problem. I do not anticipate a solution will be available for this House before Mr. Justice Zuber presents his report on the structure of the courts in the late spring.

**Mr. Allen:** Perhaps the Attorney General will share a little more information with this House on the problem of dealing with the class action question. The very sensitive report of Mr. Lawlor laid out a number of precise possibilities that could be used by the Attorney General; for example, adding to the early sections of the Ontario Human Rights Code the phrase "or class of persons" and developing a new section that would deal with group defamation, which would precisely define the problem, the possibility of using cease and desist orders and so on.

Can the Attorney General tell us what the timetable might be, what the specific holdup is and how formidable an obstacle it is to getting on with this very important task of providing protections in law for minorities in our province in these cases?

**Hon. Mr. Scott:** I know Mr. Lawlor well and I have high regard for him. Frankly, I was not taken with the proposal in his report, which was, in effect, to turn the Ontario Human Rights Commission into a court for the purposes of awarding some of the remedies that courts have traditionally awarded in connection with libel and other torts. There are other remedies and, as I have indicated to my friend, I think the appropriate course is to look at class actions, which should lead to a solution, because then it will be possible to develop a mechanism for group defamation, a carrier for the group defamation cause of action to the court. As I have indicated to my friend, the best timetable I can give him is the date I gave.

14:40

## ALCOHOL ON OPP BOAT

**Mr. Sterling:** I have another question for the Attorney General. For the past few weeks, he has stated on many occasions that he is not responsible for laying charges. With regard to the investigation of the Solicitor General (Mr. Keyes), who is going to make the decision to prosecute? Will it be the Attorney General, the Metropolitan Toronto Police, the Ontario Provincial Police, the cabinet of Ontario or the Solicitor General himself?

**Hon. Mr. Scott:** As usual, it will be the police who will decide. An individual policeman, no doubt the one investigating the case, taking what legal advice he wants, will decide whether he has reasonable and probable grounds to lay an information and is prepared to give oath to that effect.

**Mr. Sterling:** From that answer, I assume the Attorney General will give him advice on whether he should lay a charge.

**Hon. Mr. Scott:** The member should not draw any assumptions.

**Mr. Sterling:** If I was not to draw that assumption, why else would the Attorney General get a copy of the investigation report?

**Hon. Mr. Scott:** As I have indicated to the member on more than one occasion, most recently last night at six o'clock, before they lay an information the police are entitled to request legal advice on the legal sufficiency of the evidence they have obtained. In some cases that is a very simple matter, so simple that advice may not be required by the police. In other cases, it is a matter of very great complexity.

I have no reason to believe that any different practice than is normal will be followed as a result of this investigation.

## CREDIT UNIONS

**Mr. Swart:** My question is to the Minister of Financial Institutions. If the minister did not know already, he must know by now that the credit unions and caisses populaires in this province are strongly opposed to the Program for Change that he is trying to impose on them. He must also know by now that if proceeded with, the program can sink the weaker credit unions and caisses populaires and damage even the strong credit unions.

If it is not the minister's intent to do that, will he now tell the House that he will extend the term to 10 or 12 years instead of five years for building



up the five per cent reserve he requires? Will he give the same extension for the repayment of the \$50-million loan or perhaps \$70-million loan he is forcing them to take?

**Hon. Mr. Kwinter:** I welcome the member's question because it gives me an opportunity to explain exactly what the program is and what it is not.

If the member saw the Provincial Auditor's report, one of the major comments he made in relation to the Ministry of Financial Institutions is the concern he has about the credit union movement.

I have spent considerable time travelling to every area in this province, meeting with credit union members to explain our Program for Change. I have said to them publicly and on many occasions that if they cannot meet the five-year deadline, if they can come up with a business plan that will extend it to seven, 10 or 12 years, we will be responsive to that.

My main concern is that we have a system with a deficit of about \$80 million. We have provided a \$50-million fund. Just for clarification, they do not have to take a penny of it if they do not want to. It is available to them at reduced interest rates. We did it as an accommodation to help them out of their problems. There are 800 credit unions in Ontario with assets of about \$7 billion. We want to make sure they stay strong. About 10 of them could have a potential problem and we are trying to resolve that problem.

**Mr. Swart:** During the past few years it has not been the credit unions that have been a drain on the public purse, but rather the banks and the trust companies. The credit unions, through mergers and other ways, have not cost the province nor their membership anything. The minister says he has travelled the province, but he has not listened fully to the objections the credit unions have to his proposal.

The minister has told them they must borrow the \$50 million from a private bank. Why can they not borrow it out of their own system when Credit Union Central has something like \$850 million on deposit? Will the minister give some assurance that the staff that has done so well in rehabilitating the credit unions under Credit Union Central will continue to do the rehabilitation work whether it continues under Credit Union Central or the Ontario Share and Deposit Insurance Corp.?

**Hon. Mr. Kwinter:** At the present time, the credit union system has a deficit of about \$80 million. Of that \$80 million—

**Mr. Swart:** They have a surplus of \$121 million.

**Hon. Mr. Kwinter:** They do not have a surplus. They have a deficit in the system of \$80 million. Of that \$80 million, \$30 million is being handled by the stabilization funds and \$50 million is not. They have proposed to me, "Why do we not borrow it internally?" The reason I have denied that is that is really creative accounting and they are using cash flow to finance their debt. Central alone has a debt of \$10 million. How could it lend any money to anyone unless it is using cash flow?

I want to emphasize that most of the credit unions in Ontario are doing very well. We have about 10 per cent of them that are potential problems and we are trying to stabilize those. The member will know that in Alberta the credit union system has a deficit of \$300 million. We are trying to stabilize the credit union system. I am totally committed to the credit union system. We want to make sure it works, but we want to help those that are in trouble.

#### ALCOHOL ON OPP BOAT

**Mr. Grossman:** I have a question for the Attorney General. I heard the response he offered my colleague a moment ago on the matter of the investigation of the Solicitor General (Mr. Keyes). I want to remind the Attorney General that the police did not seek his advice in this matter before they laid charges. The police did not approach the Attorney General for legal advice or for any guidance whatsoever. The only reason the Attorney General has inserted himself in this is because he contacted the police and asked them to do an investigation and report back to him.

The minister does not insert himself in the situation if an average citizen has been found in circumstances similar to those that allegedly involved the Solicitor General. In that case, the police investigate and they decide, in accordance with what the minister has been telling us for days now, whether to lay charges.

Notwithstanding the answer the Attorney General gave my colleague a moment ago, why would he not simply have contacted the police and said, "Here is a situation I want you to investigate; if you decide charges are appropriate you lay the charges"? That should have been the normal procedure. They should not be reporting back to the minister.

**Hon. Mr. Scott:** I requested an investigation to be conducted because this was a case where,



for whatever reason, no investigation occurred at the time of the offence.

Interjection.

**Hon. Mr. Scott:** But no investigation occurred. As a result, we were confronted with this because of the fact that the Solicitor General very honourably had given a full account of what happened when he entertained the head of Scotland Yard on the boat. I asked the police to investigate, which, it being some months later, they would not ordinarily have done. Today, they have delivered to my department a report of their investigation. I do not see anything inappropriate in that.

**Mr. Grossman:** The time at which the alleged events occurred is irrelevant. If the Attorney General thought he wanted the police to investigate after we raised the matter in the House, then his appropriate direction, given the evidence he has been giving to this House for several weeks, is to contact the police and say, "Information has been brought to my attention that an offence may have been committed by the Solicitor General of this province. Will you investigate that and, if you think it is appropriate, lay charges?"

Under no circumstances should he as Attorney General have inserted himself between the police investigation and the decision on whether to lay charges against one of his colleagues, the Solicitor General no less. That is the degree to which the Attorney General has compromised himself and his responsibilities to cover up a political situation in his government.

**Mr. Speaker:** Question.

**Mr. Grossman:** Therefore, I ask the Attorney General to explain to this House why he would not simply, in accordance with his advice to this House, have called the police and said, "Investigate the Solicitor General and if you think charges should be laid, lay charges."

**Hon. Mr. Scott:** Why it is because I take a different view of my responsibilities than the honourable member does. He thinks one thing should be done. I think another thing should be done. I point out, and I think this is worth noting, the office of Attorney General is the one job in government in which I have more experience than does the honourable member.

14:50

#### OVERTIME WORKERS

**Mr. Warner:** I have a question for the Minister of Labour. The minister is aware that just a short while ago General Motors laid off approximately 1,300 workers at its Scarborough

van plant. He should now be aware that General Motors has issued an overtime call to every one of the remaining 1,300 workers for every Saturday, starting this Saturday, indefinitely. I wonder what response the workers can expect from the minister in order to help those workers who were put on indefinite layoff while the company uses overtime with the remaining employees.

**Hon. Mr. Wrye:** The honourable member will know that while the company may have asked for an amount of overtime and work on Saturdays for an indefinite period of time, that indefinite period of time could be a very long one or a very short one. The member will also know that the overtime will, as I gather, bring the period of work time each week for each of those employees to 48 hours, which does not extend beyond the standards now appropriate in the Employment Standards Act.

A task force has been examining this important matter for a long period of time, almost a year now. The research director of the Canadian Auto Workers was one of the five members of that task force. I await with some interest the report of that task force.

**Mr. Warner:** As usual, the response of the minister indicates that the effort on behalf of the government is about as swift as a centipede with fallen arches. The minister knows that one of the causes of this problem is the fact that we do not yet have in 1986 in Ontario a 40-hour work week. When is the minister going to bring in a 40-hour work week for this province?

**Hon. Mr. Wrye:** Whatever amendments are appropriate to the Employment Standards Act and to the hours of work provisions of that act will be brought forward once a task force that is made up of a group of individuals from both labour and industry, chaired by Arthur Donner, can offer solutions that we hope will take this very important matter of employment standards not only through the rest of the 1980s but also into the 1990s.

There is no doubt that a provision of the act that was more than four decades old very clearly needed to be studied and updated. That has been under way for some time. I regret that, obviously, these things take time, but when we make these changes, I would rather do so correctly.

Clearly, these issues are very complex, and the solutions are not as simple as my friends over on that side of the House would have us believe. They always believe that solutions are simple and they rarely are.

## SUNDAY TRADING

**Mr. Jackson:** My question is of the Minister of Labour. Now that government inaction on Sunday shopping is creating chaos in the retail marketplace and retail employees in Ontario are expressing concern about their job security, I want to ask the minister a question about the fact that yesterday the Bay stores announced they would be opening on Sundays. They announced it to their employees. One employee, Mrs. Susan Lentin, who works at the Oakville Bay, called me this morning. She was told she must work on Sunday. She was advised, "If you cannot adapt, you are in the wrong business."

Will the minister call the Bay stores and investigate this matter?

**Hon. Mr. Wrye:** If the honourable gentleman wishes to send over the details, we will get in touch with his constituent.

However, it should be very clear that under the act it is illegal not only for those stores to open, but also for those employees to work. As the Attorney General (Mr. Scott) has pointed out, we do not believe there will be one job lost out of this. Those companies that are contemplating ignoring the laws of Ontario should understand that their employees should not be asked to take the kinds of action they themselves are contemplating.

**Mr. Jackson:** I am pleased the minister is interested in the details, and he will have those. He got them in my question. I suspect that tomorrow he will advise this House specifically of his conversation with the Bay stores and what he was able to perform.

What about the thousands of other retail employees in Ontario? What is he going to be doing for them?

**Hon. Mr. Wrye:** I think I provided the answer to the honourable member. We are in an unfortunate situation.

**Mr. Davis:** You are letting it happen. Your government is letting it happen.

**Hon. Mr. Wrye:** The member should quiet down for a minute. If he has a question, he should ask it.

**Mr. Davis:** You are not doing anything. Come on, do something. Do not stand there and say nobody is going to lose his job.

**Mr. Speaker:** Order.

**Hon. Mr. Wrye:** We are in a situation where, regrettably, a number of retail companies have chosen to ignore the laws of Ontario. As a result of their decisions, we are now in a very difficult

situation. We are attempting to deal with it as appropriately as we can.

**Mr. Davis:** You will not close the stores.

**Mr. Speaker:** Order. I would like to tell the member for Scarborough Centre that the member for Sudbury East (Mr. Martel) has said many times that verbal cross-checking is out of order in this arena.

## NORTHERN HEALTH SERVICES

**Mr. Wildman:** In the absence of the Minister of Health (Mr. Elston), I would like to direct a question to the Minister of Northern Development and Mines, the Premier, with regard to the difficulty of attracting health care professionals to northern Ontario.

The Premier will be aware that despite the efforts of the Ministry of Health, St. Joseph's General Hospital in Elliot Lake and the medical profession, as of December 15 there will no longer be any anaesthetist in Elliot Lake. That will mean that in emergencies, whether it be a mine accident, an automobile accident or perhaps an emergency caesarean section, as there was last week, the patient will have to be transferred, probably to Sault Ste. Marie or Sudbury.

Can the Premier indicate what is being done by this government to ensure that we do not have to continue to be dependent on locums only for communities such as Elliot Lake? What is being done to assist in attracting other doctors, whether they be foreign doctors or whatever, who are prepared to emigrate to this province to operate and practise in the north?

**Hon. Mr. Peterson:** I am very much aware of the problem the honourable member mentions, and he is quite right in his facts. It is my understanding that two or three days a week—and he will correct me if I am wrong—an anaesthetist is coming in from Peterborough. However, that does not take care of the problem he raises of emergency surgery. The ministry is aware of the problem and is trying to attract someone there.

**15:00**

Unfortunately, I can offer the member no instant solutions at the moment, except the solutions of which my friend is aware. It is a problem in other communities in northern Ontario as well. We are exploring his suggestion, it is something we have mentioned before, with respect to foreign-trained doctors; but he is aware, I am sure, that this would not solve the immediate problem. Frequently, those people are not specialists. That is what we really need in



northern Ontario as opposed to the general practitioner, although there are some individual problems in that regard.

I can assure him the minister is working actively on the problem. There is nothing I can tell the member today to say that we have solved the problem, but I am sure we are prepared to share with him the information as it develops.

**Mr. Wildman:** I appreciate the Premier's response, but in this particular case, we could be training more general practitioners to be able to administer anaesthetics.

Can the Premier explain why his government cut the funding for anaesthesia training in this province so that six fewer anaesthetists are being graduated each year? What will he do to increase the funding to medical schools to train more GPs to administer anaesthetics so that they can practise in the smaller communities and so that we will not be dependent just on luck in the case of an emergency caesarean, as we were last week in Elliot Lake?

**Hon. Mr. Peterson:** The member will be aware that the problem is not the number of trained professionals; it is the distribution of trained professionals. Theoretically, we could train 20 more anaesthetists in southern Ontario, but that does not mean they are going to go to Elliot Lake to practise or to wherever else they are required in northern Ontario. The question is one of developing programs or some contractual arrangement whereby they agree to practise in certain designated areas.

There is a program, as the member knows, that has been in the government for some time to attract people to those areas, and we are continuing to work on that. There have also been suggestions with respect to foreign-trained doctors. However, it is not just a question of training more health care professionals. What we do find is that, particularly in some areas of southern Ontario, we have a higher doctor-patient ratio than is necessarily required or suggested by the World Health Organization, while we have the exact opposite in northern Ontario, and it is a question of attracting them to those areas.

It is something that has concerned me for a long time. I do not have an instant answer for the member and I apologize for that. However, we will certainly work very hard with him and with the community to get the appropriate person in Elliot Lake.

**Mr. Bernier:** On a point of privilege, Mr. Speaker: Last night at six o'clock this House took a vote on section 18 of Bill 7. At that time, I asked the Chairman of the committee to allow the

House to have a recorded vote. The government House leader denied the unanimous consent to have a recorded vote on that section of Bill 7.

I want to bring to your attention, sir, and to the attention of all members of the House that, as a courtesy, the *Toronto Star* and the *Globe and Mail* today printed the names of all those people who voted for that section of the bill and all those who voted against; they have also listed the names of those who were absent. It is there. If anybody would like it, it is in the paper today.

**Mr. Speaker:** I was trying to understand the member on that point of privilege. I believe it was a vote of thanks on your behalf to the *Globe and Mail*, if I am not mistaken. It certainly was not a point of privilege.

## PETITION

### TRAFFIC LIGHT

**Mr. Wildman:** I have a petition signed by 326 residents of Algoma district. It reads as follows:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario, and in particular the Honourable Ed Fulton, Minister of Transportation and Communications.

"We, the undersigned, beg leave to petition the Legislature of Ontario as follows:

"That a traffic light be installed at the intersection of Highway 546 and Highway 17 in the village of Iron Bridge, Ontario, due to the poor visibility and high accident risk at this junction."

## REPORTS

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr. Callahan from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill Pr55, An Act to revive 546672 Ontario Limited.

Your committee begs to report the following bill as amended:

Bill Pr2, An Act respecting the City of North York.

Motion agreed to.

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. R. F. Johnston from the standing committee on social development reported the following resolution:



That supply in the following amounts and to defray the expenses of the Ministry of Skills Development be granted to Her Majesty for the fiscal year ending March 31, 1987:

Skills development program, \$347,118,900.

## ORDERS OF THE DAY

### RESIDENTIAL RENT REGULATION ACT

Hon. Mr. Curling moved third reading of Bill 51, An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes.

**Hon. Mr. Curling:** There are very few acts of parliament that bring about permanent and lasting benefits for hundreds of thousands of poor people. Bill 51 is such an act.

I believe Ontario will remember that on this day, December 3, 1986, members of this House moved to establish the foundation for affordable housing for the tenants of Ontario. The Residential Rent Regulation Act is legislation that is rooted in one compelling ethic, that is, fairness to every tenant who seeks a secure, well-maintained home in return for a reasonable rent.

At the same time, this legislation encourages the construction of a healthy supply of new rental units. The hallmark of this act is the seeking and finding of a delicate balance between the interests of those who live in rental housing and those who provide rental housing. The promise of this act is the creation of a rent review system that will serve the people of this province well, both now and for many years to come.

The Residential Rent Regulation Act is not a quick-fix solution. The Residential Rent Regulation Act is legislation designed to stand the test of time, legislation designed to establish a long-term environment of economic stability in the rental market and to provide a lasting supply of affordable rental housing that the people of this province both need and deserve.

This is legislation for every tenant in this province. This legislation will protect those who live in rural areas, in the north and in small towns across Ontario, as well as those living in our large cities. This is legislation designed to protect families with low incomes as well as those with higher incomes and to protect the handicapped and the elderly.

This legislation will play a vital role in providing secure tenure and decent surroundings for every individual who lives in rental accommodation in Ontario. This is unique legislation, for it is based upon an unprecedented process of consultation and co-operation among those whose interests it will serve.

## 15:10

At this time, I wish to pay a sincere tribute to the 18 men and women—nine representatives of tenants' associations from across Ontario and nine representatives of landlords, builders and investors—who gave more than four months of their lives to agree on the core provisions of this legislation.

The members of the Rent Review Advisory Committee, appointed in December 1985, have forged a new and profoundly important precedent in the history of our provincial government. By working together, they addressed an issue of serious conflict and urgent need, an issue that had been building in intensity for close to 10 years. They have created a legislative solution that is truly responsive to that issue.

William Grenier, president of Pagecorp Inc., and Mary Hogan, former director of Parkway Legal Services, set aside their personal interests and agreed to act as co-chairpersons of RRAC. The dedication and commitment of these two individuals only underscored my absolute belief that both landlord and tenant representatives were prepared to be fair and reasonable, to listen to the other side's point of view and to work towards a solution that would bring to an end the bitter debate between landlords and tenants that had raged for close to a decade.

It was not easy. It was an extremely painful exercise but a necessary one. The 18 members of RRAC met for more than four months, late into the night and through long weekends. They argued and debated, searching for a solution to rent review that would be fair. The outcome of their discussions was an agreement upon a system of rent review that would reflect two essential goals: improved protections for tenants and the encouragement of the development of new rental units. That agreement is incorporated in the legislation before this House today.

What are the major features of the Residential Rent Regulation Act? It provides for the extension of rent review to cover all private rental units in Ontario, including buildings constructed before and after 1986. It provides for the creation of a streamlined rent review process designed to be accessible and efficient and to ensure consistency through administrative review. It provides for the establishment of a flexible rent review guideline to be adjusted annually to reflect changes in inflation. It provides for the creation of a province-wide rent registry to record the maximum legal rent for every rental unit in the province. It provides against the charging of key money and other illegal practices. It provides for

the establishment of a Residential Rental Standards Board to assure tenants properly maintained premises. It provides for a costs-no-longer-borne mechanism to prevent the penalizing of tenants for retired capital and financing costs. It encourages the development of new rental housing in this province.

An essential part of the institution of a new system of rent review in Ontario will be a thorough and wide-ranging initiative to provide full information about the system to all tenants and landlords. We want people to understand their rights under this system and to avail themselves of these rights. We want people to perceive this new system as available to serve and assist them, not to intimidate them. We want Ontarians to have full information about every aspect of the system. Information materials will be available in 13 languages, in addition to French and English. We are determined that Ontario's new rent review system will be open, accessible and fair to every individual who uses its services. In the months ahead, public information sessions about the new system will be held across the province.

I want to make it clear that Bill 51 is not legislation created in isolation; it is an integral part of this government's comprehensive housing policy through its assured housing strategy. Through assured housing, my ministry has made commitments in the past 12 months to support the construction of 19,000 new rental units and significantly increase Ontario's housing supply. These units are being delivered through nonprofit and co-op housing programs in co-operation with the federal government, the convert-to-rent program, the Renterprise program and a special allotment of 3,000 units directly targeted for the hard-to-house. These commitments, together with a system of rent review created by Bill 51, are the cornerstone of our concerted initiative to create a healthy supply of affordable rental housing.

As we move to give third reading to Bill 51, I believe it deserves recognition as legislation reflecting a true accord—a word we hear around here so often—an accord between this government and the people of Ontario, an accord between the tenants and landlords, an accord between the members of this House.

I wish to congratulate not only the members of my own party but also all members of this House for their interest and involvement in Bill 51. This bill stands as proof that our parliamentary system, with its provision for honest challenge and response, for proposal and amendment and

for the contribution of all points of view, is a system that works and works well.

The legislative process has often been controversial. The debate moved out of this House during the hearings of the standing committee on resources development and then back into the House. The opposition parties have had criticism and have expressed that criticism frankly. Yet on both sides of this House, the few of my colleagues who are here, those listening on the monitors outside and the one New Democratic Party member who is present, have demonstrated a consistent and conscientious concern for the tenants and landlords of Ontario and for the protection and extension of the province's rental housing stock. Members have served their constituents well, and today I am especially proud to be a member of this House.

I want to take this moment to thank the chairman of the standing committee on resources development, the member for Nickel Belt (Mr. Laughren), who presided over all the hearings and conducted that committee in a very professional way. I have grown to respect him tremendously, and his party should be proud of him. We are all very proud of the way he conducted those hearings.

I also wish to extend my congratulations for the support that has been given to me by the civil servants who have worked tediously through the night with great dedication and loyalty, and to the members of my own staff in the ministry who have watched this and laboured through this with dedication. They feel that with the support of all, we have made this a reality.

**15:20**

**Mr. Gordon:** In addressing my remarks to the minister, I must say there is no doubt a great deal of time, a remarkable amount of time, has been spent on this bill.

The minister will recall that when he started to talk about housing in this province, in the Assured Housing for Ontario paper he introduced in December 1985, he talked about the importance of providing for every citizen and making sure every citizen of this province had a roof over his head. He also indicated it would be his government's intention to see that this came about.

I read that in his assured housing paper, which I was glancing through today to refresh my memory as to the things this government promised. In that paper, the minister also promised he would bring in rent controls that would extend to every rental unit in Ontario. He



has kept the second promise. He has brought rent control to every unit.

At the same time, I look around this province today and ask myself, how relevant is Bill 51 when we look at the questions of affordability and supply of rental units in the province? I do not see much relevance. If we look at the Canada Mortgage and Housing Corp. figures, we find the vacancy rates across the province have continued to decline. This means more of our citizens are faced with not having roofs over their heads. This means we can expect again this winter, God forbid, the kinds of horror stories we were unfortunate enough to read about in last winter's newspapers.

We have to ask ourselves, "Does a rent registry create more housing in this province?" The answer is no. We also have to ask ourselves, "Would this Legislature have objected to a rent registry in December 1985?" If we had queried each member of this Legislature, I am sure the answer would have been no; they would have voted at that time for a rent registry.

It was quite obvious that there was a need in this province for every tenant to know that when he moved from one apartment unit to another, the rent he was about to pay was not an inflated rent that had been jacked up since the last tenant left, but was a true rent, a rent that had been built up over a period of years by the landlord; a proper, true, honest and fair rent. Would this Legislature have said no to a rent registry in December 1985? The answer is that it obviously would have said yes to it. Would we have said yes to it in January 1986, in February 1986 and throughout the following months? The answer is yes.

We have to look at another measure in this bill, the point of costs no longer borne. This is a matter of simple justice. A very mundane example but one that is very understandable is that of a landlord who has put a new roof on his building. Is it right that those tenants should have to go on paying for that roof for years after it has been paid for? Of course it is not proper or just that the roof should be built into the rent for ever and a day. Would the party that I represent or the members of the third party have objected to a bill that did away with costs no longer borne? Of course we would have agreed to a bill of that nature.

Let us take a look at some of the other matters in this bill.

Something the minister referred to a moment ago is the issue of key money. We recognize it is necessary to do away with something such as key money that preys on the innocent and is a result of

the tremendous shortage of rental housing in this province. Not one of us in this Legislature would have objected to that. We have not objected to it. We would have supported measures being brought in to handle this issue long before this. I could go on and on.

What does this bill do? Let us cover some of the highlights of the bill. I am sure the minister or one of his fellow members on the other side will remind me of some of the other glories of this bill before this afternoon is over. I expect he will do that. Why not? He should go right ahead and be my guest.

Let me cover some of the highlights of the bill and then ask some questions this afternoon. They are good questions, ones that I know the minister will appreciate because he has a sense of humour. However, I am not sure how quickly he acts. That is one of the problems I want to talk about. No one will deny that the minister has a sense of humour.

The minister talked about a rent registry as one of the highlights of the bill. He also talked about costs no longer borne; a Residential Rental Standards Board, a very interesting concept and one that appeals to our party; a Rent Review Hearings Board; doing away with key money; and trying to do something about those apartment units in Ontario that are suffering from chronically depressed rents. We have to agree there was a need for that.

Finally, there was the new formula for establishing rents in Ontario that operates on the three-year moving average and the famous residential complex cost index and building operating cost index, which the member for Riverdale (Mr. Reville) talked about in such a remarkable fashion some months ago. He talked about the two characters, RCCI and BOCI, and asked which came first, who was RCCI and what was BOCI? I am sure there are still many tenants and citizens in this province who still do not know what RCCI and BOCI are, but I am sure it will become clearer as the months go on.

We do not object to there being a formula based on the cost component, the consumer price index. That seems a reasonable way to approach the problem. Where I do have a problem with the minister and the government is the fact that he tied up the tenants and landlords for more than a year and all he did was to come up with a new way of determining rents.

The minister brought in a few other items we would have agreed to months ago, and he has announced this as being a great policy for Ontario. He announced it as a bill that will bring



wondrous changes; and yet everywhere we went in Ontario for the various hearings on this bill, we were told time and time again, despite the fact that the minister almost pleaded with the developers who came forward to say such things as, "Yes, we will build more rental units in Ontario as a result of this great bill," the point is that the developers, it was quite obvious, became exceedingly uncomfortable when this question was posed to them, because they know that what they are doing today is building single-family housing, detached homes and condominiums, and they are not even in the least interested in building what we would call the upper-end rental units in Ontario.

**15:30**

Oh, they might be building a few, but that is not going to provide housing for all those people in Ontario who do not have housing right now. It is not going to provide housing for the 200,000 people in Ontario who have what we call affordability problems, meaning they cannot afford the kinds of rents that are currently in the marketplace. It does nothing for them. The fact that they might build a few apartment buildings at the high, luxury end, which will not become available for at least 20 years, is not going to help the 40,000 families in this province who are on waiting lists for housing today. It is not going to help them.

Therefore, these developers, it is quite clear—oh, there may have been one or two. The minister could probably find one or two who relented and could see that he really wanted them to say, "Yes, we will build as a result of Bill 51, Minister." There were a few who gave in and mumbled something such as: "It will do a lot to restore confidence, you know. Yes, I guess we will build."

They were just swallowing themselves, because when one talks to the development industry, they say, almost to a man or a woman: "No, we are sorry. Bill 51 does not mean more affordable rental units being built in this province. Bill 51 does not mean more supply of rental units in this province. Bill 51," they will say quite clearly, "is a rent control bill." The other point they will raise is, "We became involved in this process because we viewed it as damage control."

It is obvious then that the equation the minister has worked out for himself, the equation for providing more housing in this province, more supply, has not been fulfilled. This bill does not bring that about.

To illustrate some of the problems that are facing this government with regard to the supply of housing, I will enter some statistics and some facts into the record. I do not want the minister to think I went out and just created these statistics and these facts out of my own fantasies. I would not want him to think that for a moment, because that is not the case. As a matter of fact, these are statistics and an analysis that have been worked out as a result of conversations with the Ministry of Housing and as a result of conversations and discussions with Canada Mortgage and Housing Corp.

I would just like to give the minister some of the problems that I see in Ontario right now with the supply of housing and also with the affordability of housing in this province, some of the things that the bill the minister has introduced does not answer in any way, shape or form.

I know he is going to listen to me very attentively as well. I know the whip, who is sitting next to the minister, is working on figures assiduously as I speak. I am glad to see the minister has some help at hand, because it always helps to have somebody who is ready to pitch in and do that. The minister will notice that I do not have anybody on either side of me here who can give me the kind of help the minister is going to get, but then again, I do not have all the assistants and all the ministry officials ready to be there at my beck and call, although I do see some of them sitting underneath the gallery right now. I know they are going to get their pens and pencils out in a hurry just as soon as I put some of these statistics down, but I understand that this is what they are paid to do. Nevertheless, let us look at some of the problems in this province at present.

We have 1.1 million rental units in Ontario. Of those 1.1 million rental units, 450,000 are high-rise and approximately 650,000 are low-rise and grade-level homes. Why would I introduce statistics such as these into this House at this time in this debate about Bill 51, which, as I am sure the minister will admit, is by and large a rent control bill?

**Hon. Mr. Curling:** It is a rent review bill.

**Mr. Gordon:** It is a rent review bill. Pardon me. If rather than call it a rent control bill, the minister wants to call it a rent review bill, I will acquiesce.

Nevertheless, the minister might ask and some of his civil servants sitting under the press gallery might be inquisitive enough to ask why I would take the time to point out that there are 1.1 million rental units in this province, approximately half being high-rise and the other half

being low-rise, I point it out because I would like to put on the record one of the very severe problems this government is going to be faced with. It is an ongoing problem that has been happening and that is going to get even worse as each year goes by. It is a problem the minister's bill does not answer in any way, shape or form. Despite the fact that he has spent almost a whole year diddling and dawdling over this thing, he has done nothing about this problem.

Of the high-rise, by 1990, 50 per cent of the existing stock will be more than 50 years old. The cost to upgrade and maintain them will be between \$1 billion and \$6 billion, according to the ministry. As well, of the low-rise, by 1990, 65 per cent will be more than 50 years old and 25 per cent are likely to be lost by 1995 because of demolition or change of use.

There is just one problem that faces the Minister of Housing. I know he will get up later on and say, "I introduced a program just a matter of months ago to provide some moneys towards high-rise and low-rise reconstruction and reconditioning," but any viewer or any listener will be quick to point out and quick to pick up on the fact that the amount of money he is talking about and the number of units he is addressing himself to will in no way begin to meet the need.

The point I am trying to make is this, and there are many illustrations I could use: we have a crisis with the supply of housing in Ontario today. We have a crisis that is beyond anything we have ever seen in this province. Is it \$2.5 billion that the Treasurer (Mr. Nixon) has racked up? Is that not the figure? Perhaps one of the members on the other side would like to enlighten me. However, when we look at the millions and millions of dollars of revenue that the Treasurer took—I have to say took—from the citizens of this province by increasing taxes, when we consider the amount of money that has been taken and when we look at the crisis in housing today and see how little of that money is being put into the housing field, we have to question how sincere this government is about trying to ameliorate things and do something about the people who are suffering because they do not have homes or because they cannot afford the homes they are living in. There are those who are coming into the market because they cannot find a rental unit anywhere in this province. In Metro in particular, they cannot find a place to live.

What is the minister doing about it? He is doing virtually nothing. Bill 51 is, to use the minister's words, a rent review bill. It is not

really a supply bill and it is not really an affordability bill, and the minister has not convinced anybody of that. The question is, when is this government going to meet its obligations to provide housing for the people of Ontario?

**15:40**

Let us put a few more statistics on the table. It is projected that 12,000 to 17,000 rental housing units a year are required for the next 10 years. In the Ministry of Housing projections, the need for 1985 was 19,600 units. The housing starts for 1985 were 11,500, which left a shortfall of 8,100 units. The need for 1986 was 19,600 units, and the shortfall was 10,600 units.

When are we going to begin to address in a meaningful way the supply of housing in Ontario? Bill 51 rationalizes the way in which rents are established; we can see that. We on this side of the House recognize and have recognized for some time the time the need for a rent registry, for a provision for costs no longer borne, for a maintenance board, for the elimination of key money and for some of the other items that were in that bill.

While the minister took those steps and while he kept a committee of landlords and tenants tied up for months and intends to keep them on for another number of months trying to work out regulations for this bill, the whole issue of supply and affordability of housing in Ontario, particularly rental housing, came unstuck and floated away. It is still floating. This is the area that has been neglected. There has been much fanfare about Bill 51; yet as the people of Ontario examine what happens in the coming months, they are going to become increasingly critical that the minister has not addressed this problem but has spent his time fooling around with rent control.

We in this party attempted to bring some measure of sanity to the deliberations. We recognize, as many Ontarians are beginning to recognize and as many of his editorial writers recognize, that to institutionalize rent controls in the manner he has proposed is to create long-term problems for all citizens in Ontario. Thus, we brought forward an amendment that would have lifted rent controls in any municipality where there was a vacancy rate of four per cent or more.

Some people said, "My goodness, imagine a member of this Legislature saying rent controls should be lifted in a municipality where there is a vacancy rate of four per cent or more." They talked about it as though it were some kind of courageous act. I do not view it as a courageous



act. I view it as an act that says, "Look, let us have some sanity in this process." If the minister had taken that amendment and put it in his bill, it would have sent out a very clear message that would have said, "Look, we are interested in seeing more rental units built in Ontario."

The amendment also recognized we have this crisis in the rental housing department in Ontario today. It was quite obvious he could not remove rent controls with that kind of situation, but he could in a municipality where the developers and the nonprofit people, with the help of the government, launched a crash program of building to meet the tremendous backlog of rental housing for its people. Instead, it was rejected by the government, and the amendment was defeated.

Our party is proud of the role we played in obtaining what the government is going to call a rent supplement program for those tenants living in apartment units that have chronically depressed rents, which will be increased by an additional two per cent to bring that landlord's rents up to a higher value to rationalize the economics of owning such a building. It was our party and this critic who insisted all the way through that there should be a program provided so that tenants living in the chronically depressed rental units would be protected from an increase as a result of those units obtaining an additional two per cent in rent.

However, I must say I am disappointed. While the government acceded to our arguments to a degree, I am not happy it decided to make it a rent supplement program. We believe a shelter allowance paid directly to the tenant would have been far better than a supplement paid directly to the landlord. That is the government's decision and it will have to live with it.

At this time, I would also like to point out some of the problems faced by our citizens. We talk about the core needy in this province. We talk about people who are living in rental units they cannot afford. We talk about them as being core needy. It is a new phrase. Every so often, to try to show it is doing something or that it understands a problem, the government will come up with a new way of talking about a problem that exists in this year of our Lord 1986.

Those people who are termed core needy are citizens who pay more than 30 per cent of their income in rent. At present, 32 per cent of those people who are paying more than 30 per cent of their income in rent in this province are elderly people. I thought and my party thought that the one place where we could begin to explore

providing more money for people who suffer in this manner by paying more than 30 per cent of their income in rent, one place where we could begin to develop a program that could be extended to the 32 per cent of the population who are core needy and who are elderly, would be a project of shelter allowances to the chronically depressed rental unit tenants.

We know that many of those people who are living in chronically depressed rental units, the so-called affordable rental units, are elderly people. Those people who are elderly and do not live in those more affordable units with chronically depressed rents, who are the core needy, would benefit from the shelter allowance program. It is something the ministry should have pursued in a much more diligent fashion.

**15:50**

I talked about the minister's thoughts on establishing confidence in the building industry and his idea of the trickle-down theory, which is that in 20 years the government gets some housing units built. Obviously, that is not going to work.

Let us talk for a moment about affordability. What does create affordable housing in a province such as ours? How do we get affordable housing? There has to be a supply. When we look out at our province today and see what is going on, so few rental units being built, it is obvious why rents are so high. Rents are high because the supply is not there. If we could get more supply, we would get competition between landlords and developers and rents would begin to fall.

**Ms. E. J. Smith:** Good.

**Mr. Gordon:** I am glad to hear the whip, by her remarks from the other side, believes I am finally understanding something about housing. It is too bad the television people will not make a little inset here and have her picture on opposite mine. She could explain what she would like to explain to the people.

It is obvious that this bill does nothing for supply. As a result of doing nothing for supply, we have some very real problems that are going to continue in this province.

In summation, I would like to see this government spend some of the money the Treasurer has gathered into his coffers by charging the citizens of this province exorbitant tax increases. I would like to see him give some of that money back directly to the citizens, which will never happen under this government because it would rather spend money. I would like to see this minister announce a crash program to provide more housing units, particularly in the



nonprofit co-op area. No matter where we go in this province, we will find that the co-op movement, the nonprofit movement, is quite prepared to build. The problem is that it cannot get enough allocations.

The minister will say he has not been able to do it because he cannot find enough builders who want to build or he will make other excuses. He will say he cannot find enough building material. I know one thing he is going to tell us this afternoon. Later on he is going to say that two years from now, as a result of this bill, there is going to be much more housing in this province.

I say to the people of Ontario, look around. This government has spent the time since December 1985 muddling around with a bill that is merely a rent control bill, that does not create more housing and that does not necessarily make housing more affordable than it is right now; yet it will try to claim that a rent review bill somehow, in some mysterious and miraculous fashion, is going to provide more housing.

If that is what the minister calls a housing policy, if that is what he calls enlightened government, I have news for him. The people of Ontario, in two years' time, are going to decide that the government does not know how to provide supply. They are going to turn on the government and throw it out of office.

**Mr. Reville:** My colleagues must have dropped off during the address of the member for Sudbury, which was rude of them.

I have a fan of legislation in my hand and a glass of water on my table. This fan of legislation is part of the story of Bill 51, which started off under a different name. It started off as Bill 78. It was a slim bill with 38 pages. This frazzled bill is the first-reading copy of Bill 51, introduced on June 5. I have a working copy with my name on it. I worked with it, and that is why it looks frazzled. It was getting fatter, as do many of us who hang around this Legislature. It was 56 pages long.

This one, even more dog-eared and more pathetic—I am not speaking at the moment about its contents but about its appearance—is the bill I wrote all over during the clause-by-clause stage. It was 60 pages long, and that is because it had started to absorb some of the 120 government amendments to which this bill was subjected.

Now we have this pristine, unused, unblemished Bill 51, which is the reprint at the conclusion of clause-by-clause debate not long ago. It has grown to a fat 68 pages because it absorbed the 120 government amendments, one amendment of the member for Sudbury (Mr.

Gordon) and six amendments of mine as the member for Riverdale and a New Democrat. It is a fatter bill, but I submit that the fatness of the bill will not provide the protection for the tenants of Ontario that the Minister of Housing (Mr. Curling) says it will and that I guess, with regret, the member for Sudbury, from the Progressive Conservative Party, has decided to support.

The process was perhaps one of the most curious of processes. I see the minister is wearing a flower today. Perhaps it is appropriate, given that he has come to the end of a very long and arduous job. I congratulate him for that, but I do not congratulate him for the contents of the bill. I am profoundly disappointed in the tenant protection that is being offered. In fact, in some respects, this bill offers less tenant protection than the previous legislation did, and that is a very strange way to move forward.

I see in the House a number of people with whom I spent a long time. I see the member for London South (Ms. E. J. Smith), the minister and the member for Sudbury. At the back, I see a number of people who worked very hard throughout our process.

**An hon. member:** Name one.

**Mr. Reville:** There was Mr. Peters, Dr. Lavery, Ms. MacPherson and Ms. Stratford and, up in the gallery, Mr. Richmond, who managed to collect all the remarks that were made at committee. I was glad he was there because—

**Mr. Philip:** He worked so hard his beard fell out.

**Mr. Reville:** Try to ignore the member for Etobicoke (Mr. Philip), please, Mr. Richmond.

Mr. Speaker, I will address my remarks to you and urge other members of the Legislature to do that as well.

Mr. Richmond and I paid careful attention to the deputations that were made.

Interjection.

**Mr. Reville:** I wonder whether the security guard would stop harassing the man who carried Bill 51.

The reason I mention that Mr. Richmond listened to all the deputations is that I know he did because he wrote down what they said and published it in four volumes. I wish the government had listened. What happened in this process was that when the government went into this committee, it had already made up its mind. Regardless of the fact that we went to six cities and heard from 181 deputations, not one of the government amendments flowed from those

deputations. Instead, they flowed from an extraparlimentary committee that the government set up, called the Rent Review Advisory Committee.

It was a very curious process; to invite people to come forward to give their views and then to be unprepared to listen to their views. I have talked before about the two overarching themes of this bill, according to the government: the historic consensus arch and the investor confidence arch. Both arches have been demonstrated quite definitively to be invisible arches created by the wordsmiths who toil somewhere in the bowels of the Ministry of Housing.

**16:00**

The historic consensus, while indeed an example of an interesting approach in terms of consultation, was in the end a consensus among 18 people or perhaps 17 people. It was a consensus in the context of a housing policy that had been overlaid by the Minister of Housing and the ministry officials and within which the consensus-makers had to achieve consensus.

What was clear in the public hearings was that not one tenants' group in Ontario supported the consensus that was achieved by RRAC; not one. In fact, a large number of the landlords who came before the committee, as carefully orchestrated by the good organizing techniques of the Fair Rental Policy Organization as they were, said this bill would not encourage them to build.

They also did a very curious thing, which those of us who sat through the committee remarked upon often to one another. They spent 90 per cent of their deputation cursing rent review and cursing the idea that there should be any fetter on their endeavour whatsoever. At the end of this 90 per cent presentation they would say, "But you must pass Bill 51."

There is one thing on which tenants and landlords do agree: Bill 51 weakens rent review in Ontario. Tenants believe that and landlords believe that. That is why the landlords on the one hand ran a multimillion-dollar end-rent-review campaign, while on the other hand they spent thousands of dollars to send their people to the hearings to say, "Please pass Bill 51 and do not upset the delicate balance."

It sounded like a Greek chorus with the Minister of Housing flanked by landlords saying: "Do not upset this delicate balance. You do not dare amend the bill." It was an extraordinary process, one I do not think we often see around here and one I hope we do not see around here very often.

I moved 57 amendments to this bill; the Liberals and Progressive Conservatives combined to defeat 51 of them. It was an extraordinary change of heart on the part of the Tories, because during the hearings it was clear the Tories were not clear on what they wanted to do about rent review and Bill 51. They were not clear because they were listening to what the people had to say.

They were concerned about the affordability problems of tenants. They were concerned about the problems some small landlords are having, which are not addressed in the bill. They were concerned that the bill, in their opinion, would not create any housing at all.

I agree with that position. I do not think this bill will cause one stick of housing to be built, but then I never believed this bill was a supply bill; I thought this was a consumer protection bill, and in that regard it fails.

There is some deeper background to the bill. The background goes back to 1975 when New Democrats were able to convince the Progressive Conservative government of the day to bring in rent review. The years passed. It was clear there were problems with rent review.

From the beginning, our party thought it was useful to have a rent registry. It did not make sense to New Democrats to regulate prices and not to have a price list so that people could find out the legal rent on their units. For years the Progressive Conservative government refused to establish such a rent registry. Even though it appeared in legislation, it was never proclaimed.

During the election campaign of 1985, all three parties talked long and eloquently about rent review, and after May 2, when members of my party were negotiating with members of the other two parties to see who should lead this province, tenant protection was very high on our list. In fact, the Premier (Mr. Peterson) put his name to a document on May 28, 1985, which committed his government to enacting tenant protection reform.

The accord was extremely specific about what should be done. It included: establishment of a rent registry; establishment of a four per cent rent review guideline; inclusion of the provisions of Bill 198, which has to do with costs passed through as a result of refinancing, as a permanent part of the Residential Tenancies Act; extension of rent review to cover post-1976 buildings; an end to the \$750-a-month exemption; introduction of a rent review procedure to deal with costs no longer borne by landlords; and introduction of



enabling legislation to permit demolition control by municipalities.

Nothing could have been clearer than that. The government has betrayed not only the New Democratic Party but also the people of Ontario. It did not deliver this. Instead, as soon as Mr. Grenier walked into the minister's office and said, "The landlords will not put up with this," the Liberal government broke its promise and established a Rent Review Advisory Committee as a buffer between it and the people of Ontario and the promises it made to my party and to the people of Ontario.

The people of Ontario know the Liberal government has broken its promise. I am happy to tell the members that in the past few weeks the people of Ontario have been corresponding with me. They have been on the telephone with me. They have sent petition cards to me. At last count, we are in contact with an extraordinary number of people from all parts of Ontario who are offended that the Liberal government broke its promise and insulted that the Liberal government feels they have no memory.

I have had 8,736 cards, letters and phone calls. I have had 199 phone calls in the past three days from people who say, "Can you not make the government keep its promise and deliver the four per cent that it promised?" I have a lot of heartrending letters from people who have an affordability problem. Today they are spending their food money on rent because they cannot afford to pay the rent they are being charged now.

Whatever else has been said about Bill 51, there is one thing that should be obvious to every member of this Legislature: Bill 51 will cause rents to go up. There is no escaping that. There has been a lot of fancy dancing by government shooters to try to disguise the fact that rents will go up, but it seems to me that if a government proposes legislation that is going to raise the guideline from a four per cent promise to a 5.2 per cent formula, that is 1.2 per cent more.

#### 16:10

There are some other neat features in this bill that have never appeared in rent review legislation before. Let me describe a couple of them. If I am your landlord, Mr. Speaker, and I decide that you are a lovely tenant and that in 1987 I will not raise your rent by the guideline, I can say to you: "Mr. Speaker, I will not raise your rent this year. I could raise it 5.2 per cent, but I am not going to."

Guess what? In 1988, I can say to you: "I do not like you quite so much this year. I am going to raise your rent by this year's guideline and last

year's guideline. How do you like that?" In 1987 you do not get an increase, but in 1988 your increase might be 10.4 per cent. That may be an economic eviction for you, Mr. Speaker, and off you go.

That is one of the wonderful features of Bill 51, a surprise feature. People will be very surprised when, three years down the road, if their landlord did not increase their rent once, all of a sudden he increases it fourfold. Four guidelines in one year. Will that not be marvelous? It can all happen with this terrific Bill 51; it is an amazing thing.

I have heard from people all across the province. I have heard from people from places I did not even know existed. I am glad I now know they do exist. I have heard from Ancaster, Blenheim, Brantford, Hamilton, London, North Bay, Oshawa, Ottawa, Peterborough, Stoney Creek, Tecumseh, Thunder Bay, Tilbury and Windsor, and I have heard from most of the ridings in Metropolitan Toronto.

I have a letter here from Weston in which a woman says: "The majority of my income is derived from pensions, the old age and Canada pensions. I feel that any rent increases should be in line with the inflation rate and that a set portion of the increase should be set aside for proper maintenance of the rental property."

Many of the phone calls I received were from people who were in tears. My staff were often in tears listening to the phone calls. A woman who is 81 years of age and partially disabled cannot afford her rent. A woman and her daughter living in a one-bedroom apartment, both on fixed disability pensions, were crying on the phone. They will have to leave if the rent goes up by more than four per cent and they are worried sick. There is an 81-year-old man, also from Toronto, who is recuperating from a stroke. The landlord increased his rent by \$241, but he is on a pension and cannot afford it.

The irony of this whole thing is that it has never been demonstrated that the landlords needed any more than four per cent. I offered a formula that preserved every feature and every thrust of the formula the government advanced. That is the residential complex cost index formula. The RCCI formula has three basic parts: a multiplier, an adder and an index.

I offered a formula with a multiplier, an adder and the same index which would have created a rent increase for 1987 of 3.89 per cent. That increase would have covered the inflationary cost that landlords can expect to bear in 1987. Instead, the Liberals and the Conservatives are



supporting a 5.2 per cent guideline, 1.2 per cent more than the promise made by the government, more than inflation and more than one per cent higher than is needed by landlords to cover their costs.

For those who feel 1.2 per cent is not a big deal and those who are willing to disregard the criticisms of methodology and simplicity, 1.2 per cent more, given the size of the rent bill in Ontario, compounded and accumulated comes to \$1.4 billion in five years that tenants will dig out of their pockets and put into landlords' pockets. That is a large amount of money, and there is nothing in this bill that requires landlords to do anything other than what they are already required to do to justify receiving that additional money. A landlord is already required to maintain the property in good condition. Landlords do not do so, quite often, but they are required to do so. Why should a tenant dig into his or her pocket for money to buy a service he or she has already paid for? That is precisely what this government is suggesting.

I have spoken at length about the defects of Bill 51. I know some of my colleagues would like to get in on this debate. I am going to wrap up by making a couple of general comments.

I want to issue some alerts to tenants in Ontario. I want to issue an illegal rent alert, because Bill 51 is going to make it harder for tenants to get back the illegal rents they have paid. It is ironic. Bill 51 will allow tenants to know they have paid an illegal rent, but it will not allow them to get it back.

To be more precise, because I like to be precise, it does not allow them to get it back before August 1, 1985. There could be 10 years of illegal rent, but they cannot get that back as long as the landlord fesses up and registers. That is an interesting kind of crime holiday. If tenants move fast they can get their illegal rent back under the old bill; and they will get more money, so I hope they move fast.

I want to issue a chronically depressed rent alert. When this bill passes, there will be a new feature. It is a new mythology in Ontario: it is called chronically depressed rent. A landlord can go and apply to get relief as a chronically depressed landlord. If the application is successful, the landlord can add an additional two per cent on the rent each year until the landlord catches up. Under extraordinary pressure, the Minister of Housing brought in an amendment to give the tenants in those buildings a little bit of dough to help them bear the pain of this extra two per cent.

But there is a very scary part of this bill. Subsection 88(3) says to landlords who may be—no, it is not. Goodness gracious. What happened? They must have changed the numbers here. Yes, they changed them. It happens when they reprint these bills afterwards. It is now section 91 somewhere. Never mind; I will figure it out.

What happens here is that if a unit becomes vacant or if the tenant agrees in writing, the landlord can fast-track this; in other words, the unit can go to market immediately. I attempted to amend this; my amendments failed. This will offer a wonderful opportunity for landlords to coerce people. People will be evicted. If a landlord can empty out the whole building, he does not have to go two per cent a year; he can go immediately to market.

That is a terribly scary situation. I have visions of very large people appearing at the doors of tenants in Ontario and saying, "It is time to leave." I have visions of very large people appearing at doors and saying: "Sign this paper, kid. If you do not sign, you are going to leave." Yes, there is a little safeguard built in: the minister has to approve these notes that tenants are going to send him, which say, "I really am agreeing to have my rent go shooting up and this is of my own free will, Minister." The minister will say "Oh, that is good," and check it off.

#### 16:20

There is a real possibility of coercion and that is why it is necessary to have a chronically depressed rent alert. I hope we can find the 20,000 units full of tenants who are going to be subject to this coercion. I hope they will get in touch with their members and that their members will want to protect them.

The big danger in all this is that Bill 51 gives extraordinary comfort to those who would see rent controls disappear. It gives extraordinary comfort to the Fair Rental Policy Organization, which is beside itself with glee that this Legislature is going to pass this bill. They invited the leader of the official opposition to their annual general meeting. He dangled before their tantalized eyes an offer that, if he were Premier, rent controls would disappear.

In this contest for the hearts and minds and wallets of the developers and landlords of Ontario, one has to wonder whether the Minister of Housing is going to match the offer of the leader of the official opposition. Will he match the next offer the leader of the official opposition made, which was, "Another thing I will do for you is get rid of the condominium conversion

legislation." Is the Minister of Housing going to match that offer? If he is not going to match that offer, we should soon be seeing the legislation that is intended to replace Bill 11. The way things move around this place, Bill 11 is going to expire and we will not have seen anything from the government on a permanent policy to protect our existing housing stock.

It is a terrifying proposition for tenants in this province to contemplate that Bill 11 will expire. They will be carrying Bill 51 on their backs, if they still have a unit to live in, because this will create an affordability problem for many people in the province. Many people are going to face economic eviction because of the bill being brought forward by the Minister of Housing. His piddling attempts at a supply program will not be in time for the people who will be evicted economically because they cannot afford to pay the rents that landlords will be allowed under Bill 51. That is a shocking way to develop a housing policy and it is a shocking way for the Minister of Housing to say he is discharging his responsibility to tenants in Ontario.

New Democrats have stood up for tenants for a long time. We are not going to stop now. In fact, today is the beginning of our next campaign to get real protection for tenants in Ontario.

**Mr. Philip:** That was a great speech given previously.

I rise to speak on this bill. Let us make no mistakes about this bill. Bill 51 will cause rents to increase in this province. I do not think there is any argument about this by either the Conservatives or the Liberals who are responsible for the rent increases contained in the bill.

When the Liberals ran for office in the last election, they promised a four per cent guideline. When they signed the accord, they signed for a four per cent guideline. Now the Liberals, assisted by the Conservatives in this House, are breaking both promises, both covenants.

The rent-increase guideline proposed by the Liberals and the Conservatives is 37 per cent higher than the projected rate of inflation for next year. In 1977, the Liberals and the Conservatives also voted together under that minority government. They voted to make a two-class system of tenancy in this province. By voting against our amendments in 1977 and by excluding buildings occupied after January 1, 1976, the Liberals and the Conservatives opened up the kinds of abuses we have seen in this province with the buildings that have been built and occupied after 1976.

In my riding of Etobicoke, at least 50 per cent of the tenants are living in buildings that were

constructed and occupied after January 1, 1976. I have had people come to me with increases as high as \$200 a month and there was absolutely nothing that could be done, because they were not under any kind of rent review.

Now these buildings will be under a rent review system, but with a formula different from that applied to other buildings. Thus, while the government has finally bowed to the pressure of the tenants, the pressure of the New Democrats and the pressure of the public in putting these buildings under some kind of rent review, by the very formula and procedure outlined in this bill it is perpetuating a two-class system of tenancy in this province: those who are fortunate enough to live in buildings that were occupied before January 1, 1976, and those who, unfortunately, and often not to their knowledge until after they have moved in, are occupying units that were occupied after January 1, 1976.

The tenants of this province have told the government exactly what they think of that. I refer members to the latest edition of the Federation of Metro Tenants' Associations publication called Tenants Bulletin. The headline reads, "Bill 51: Landlords 51, Tenants Zero." The tenants writing in this publication say:

"For over 10 years, the Liberals and Conservatives have combined their votes in the Legislature to let landlords of buildings built after 1975 raise their rents as much and as often as they like. The results have been exorbitant rents and insecurity for tens of thousands of tenants in Ontario.

"Finally, in order to form the government, the Liberals promised to bring those tenants under protection of rent review. But Bill 51 does not bring these buildings under the same rent review system as older buildings. It builds in a large margin of profit on top of the other rent increases, so the legal rents will be so high many landlords will charge much less until they want a tenant to move out.

"This system is little better than no rent review at all and is not what was promised in the accord by the Liberals. We want all buildings brought under the same rent review system. There is no reason for treating post-1975 buildings any differently than any other buildings."

Thus, we have the same coalition perpetuated. The same coalition that voted for the landlords in 1975 and voted for the landlords and against the tenants in 1977 has voted in the same way in this bill. We see, as my colleague has pointed out, that of 57 amendments our party posed on behalf of the tenants, the Conservatives voted with the Liberals to defeat 51 of those. That is the



coalition in this House: the Liberals, the Conservatives and the landlords on one side, the tenants and the New Democrats on the other.

We welcome the fact that costs no longer borne will no longer be passed on to tenants. It strikes me as ironic that the Conservatives stand up in this House and welcome that change when, in fact, I have asked for that change time and again during the past 11 1/2 years, have presented private member's bills and have posed amendments as our party's housing critic, at that time, and the Conservative government invariably voted against them and stopped that kind of change, in the same way it voted against any kind of demolition controls, which at least the Liberals at that time were in favour of.

For many years I have argued that there should be proper legislation to ensure that buildings would be kept in a satisfactory state of repair. I proposed some very concrete amendments, as did my colleagues, amendments that we suggested should be made to the Planning Act to give municipalities the kind of teeth that were necessary to force those landlords who did not comply to bring their buildings quickly up to standard.

This bill makes some attempts to correct that problem, but if we look at the amendments proposed in this bill, we wonder about how vague they are and whether they will be enforceable and effective. Time will tell. We will certainly be monitoring this and trying to work with it.

### 16:30

The government proposes certain rent-supplement procedures in this bill. I had the honour not so many years ago of chairing an inquiry into housing conducted by the standing committee on administration of justice. I find it interesting that the Liberal members joined the New Democrats on the committee in a report which condemned as fiscally irresponsible some of the very proposals contained in this bill. We made other proposals in our report which we felt would be more fiscally responsible and more effective in delivering affordable housing in Ontario.

If we look at what is done in terms of dealing with illegal rents, at long last the government has moved in this direction. What I find offensive in the setting up of the registry is that it gives an amnesty to those landlords who, over the years, have been raising rents illegally. I find that the rent registry will stop future illegal rent increases, but amazingly, it gives an amnesty to those

who have broken the law during the past 10 years.

When I had various conversations with Mr. Green, who manages the Residential Tenancy Commission office for Etobicoke and York, he told me over and over again, "We know the landlords create illegal rents and we know they do it over and over again, but there is little we can do about it." It has taken 11 years. Indeed, when I brought the matter to the attention of the then Minister of Consumer and Commercial Relations, a Conservative member who is now heading the Workers' Compensation Board of Ontario, he understood what the problem was. His problem was a fellow by the name of Claude Bennett in the Ministry of Housing and an intransigent cabinet that would not deal with the problem. I find it somewhat hypocritical that the Conservatives are now jumping on the bandwagon and saying they are going to stop illegal rents.

They are the ones who created the problem in the first place. They could have stopped it 11 years ago, in 1975, but they refused to act, because the Minister of Housing wanted to protect the landlords and refused to co-operate with the Minister of Consumer and Commercial Relations, who simply could not get it through the cabinet. The Conservative members who are former cabinet ministers know what I am speaking of is the truth. I dare them to stand up and say otherwise.

There is an affordability problem in rental accommodation. Yet we see the government's attempts in this regard to be abysmal. The convert-to-rent program is so terrible, so absolutely deplorable, that the Provincial Auditor is currently investigating the program and the standing committee on public accounts will be holding hearings and looking into it.

The tenants of Ontario have told the Liberal government what they think of this Liberal government betrayal. In its latest publication, the federation states: "In the accord, the Liberals and the NDP agreed to set the rent increase guideline at four per cent. This guideline applies to about 80 per cent of the tenants each year, tenants whose landlords cannot justify a higher increase at rent review. But instead of keeping this simple promise, the Liberals have developed a complicated formula, making the guideline over five per cent next year. This formula gives landlords rent increases to cover the average increase in their costs and then adds two per cent on top of that. The government and its experts cannot justify this two per cent bonus but refused to amend it and to keep the Liberal government's promise."



In a very concrete way, I want to tell members of the kind of mail I have been getting. I will read just part of one letter to show them the kinds of problems people out there are facing in my riding. This comes from a lady who lives at 277 Kipling Avenue, which is a high-rise building built after January 1, 1976. It is certainly not a luxurious building. The letter reads:

"The situation in Etobicoke, as in other areas of the city, is in an absolute desperate position. I have been looking now for two solid months for a place for my husband and myself which is clean and affordable. I just cannot come up with the \$700 and upwards for the rent these apartment owners are asking. My husband and I are both employed, although his job is hardly earth-shattering as far as salary goes, and to find something which can be affordable, without robbing Peter to pay Paul as far as my expenses go, is almost impossible."

That is the type of situation in which many people find themselves in this province. This bill does not deal with that problem. This bill is a breaking of the promise that the Liberals made during the election. I trust the tenants in Ontario will tell the Liberals exactly what they think of the bill, not just in their publication as they have here but also in the next election.

**Ms. Bryden:** We have been waiting for the reform of rent review for many years. The Progressive Conservative government hoped it would go away, and just recently the leader of the Progressive Conservative opposition said he really did not want to keep rent control but he was forced to because there was such a very low vacancy rate—less than half of one per cent—in the Metro area. His heart is not in supporting this bill, but he appears ready to settle for it with the Liberals, even though it is a very flawed bill.

We did get some rent reform as a result of the accord between the New Democratic Party and the Liberals that made the change of government possible 18 months ago. We got a reduction in the ceiling from six per cent to four per cent, because that was an election promise and because the accord was an essential part of the process of changing the government, but Bill 51 is another kettle of fish.

It scuttles the four per cent ceiling in favour of a very complicated formula that will produce a guideline of 5.2 per cent, but this is not what will be paid by all tenants. As a result of these complicated guidelines, some tenants will pay increases of up to 15 per cent because of the more generous rent review procedures.

Tenant income last year increased by about 3.5 per cent. The people hit the hardest will be low-income tenants occupying older buildings, particularly buildings in which landlords can claim an extra two per cent on the guideline if they can show that rents in the neighbouring buildings are higher than theirs. This happens even if that landlord is already making a profit. This will hit the people who are forced into these older buildings because of the shortage of affordable housing generally. Bill 51 will not produce one new affordable apartment unit. It will give landlords substantial additional income but that income will all go into luxury housing or condominiums or into increasing the profit of the landlords.

This bill is supposed to be the result of an agreement between landlords and tenants worked out under the Rent Review Advisory Committee set up by the government. Tenants sat on it only as individuals and it was the same with landlords. They were given an equal number of seats on it, but the recommendations that came out of this advisory committee have been resoundingly rejected by most organizations of tenants, particularly by the Federation of Metro Tenants' Associations and the Federation of Ontario Tenants Associations.

#### 16:40

It is not a collective agreement between landlords and tenants, although that is perhaps a stage that we should ultimately develop. Tenants' associations would bargain with their landlords and have some clout, as trade unions have, in seeing that fair agreements and fair rents are charged.

I would like to draw the attention of the minister to the fact that in my riding there are 2,500 tenants in our largest apartment complex, namely, Main Square, at Danforth and Main. These tenants have paid increases of 10 per cent or more over the past two or three years. How has this happened with a four per cent ceiling? It happened because this building is financed with mortgage money from Canada Mortgage and Housing Corp., the federal housing agency, which refuses to abide by Ontario rent guidelines.

This bill continues a clause that was put in by the Progressive Conservative government in 1977, declaring buildings owned, operated or financed by CMHC exempt from rent controls. While CMHC may argue that the province cannot bind a federal government agency, the limited-dividend buildings for which CMHC provides mortgage money are covered. Tenants

in all CMHC-financed buildings should be treated the same. In fact, all tenants in Ontario should be treated the same. There should not be a distinction between those in federally controlled and provincially controlled buildings.

The government has brought in some improvements in past legislation. These were improvements we and the tenants' associations had been requesting of the previous Conservative government for years. We got stonewalled. The improvements include a rent registry—long overdue—but as my colleagues have said, there is no retroactive adjustment on illegal rents before August 1, 1985.

The establishment of a residential rental standards board is again an effort to say we are going to do something about maintenance, but we all know landlords pay no attention to the obligation they have right now to provide adequate maintenance.

The extension of rent review to buildings built after 1975 is a good step, but again, they should be treated the same as other buildings. The end of the \$750 cutoff is something we have long looked for.

These are points we have requested for many years. The question is, are these improvements sufficient to justify supporting this bill, or should the government go back to the drawing board and produce a bill that has real protection for tenants?

**Mr. McClellan:** I do not mean to speak for more than five minutes, but as one of a succession of former housing critics for the New Democratic Party who are taking part in the debate this afternoon, I want to express once again on behalf of our party our deep disappointment that the Minister of Housing and the Liberal government have failed to seize an opportunity finally to bring forward a piece of tenant-protection legislation that would have solved the problems that have been festering for the past 10 years.

The government has failed to do that because it has done an extraordinary thing, Mr. Speaker. You will appreciate this. It has allowed the landlords and the development industry to come back to the inner sanctums of government and once again write housing policy and housing legislation for the government of Ontario.

For the first time in 10 years, the development industry has been in the front offices of the ministry, actually developing and even writing policy for the government of Ontario. They had been frozen out of that process since 1976 and the government has brought them back in. We see the results in front of us in Bill 51.

The details of the bill have been dwelt on by my colleagues, and I will not repeat our concerns, except to say I am amazed that the new Liberal government bought hook, line and sinker the line of the real estate development industry. That line has been the same since 1976, namely, that rent control has caused a crisis of housing supply and that the private sector will not re-enter the market for affordable rental housing unless rent control is removed, developers are permitted to make increased profits and the profits are reinvested in the housing industry and the construction of new rental housing.

There is only one problem with this argument that the government has swallowed. It is complete economic bunk. I am sure in his heart of hearts even the minister understands that what he has done in Bill 51 by allowing landlords to raise rents and to make a bigger return, not on investment but on their properties, increased profits, is simply to swallow the propaganda.

As surely as I am standing here today, that will not produce more affordable rental accommodation. The private sector abandoned that market years before rent control was introduced in Ontario. I worked at the Social Planning Council of Metropolitan Toronto in the late 1960s and early 1970s. For our sins, we documented the crisis in housing supply in the city of Toronto and other major urban centres in Ontario at that time.

There was a crisis of supply in the late 1960s and early 1970s which forced a reactionary Conservative government to bring in rent control legislation. The supply crisis is a reality of the industry, which cannot profitably invest in affordable rental accommodation and make the kind of profits that justify those investments.

That situation was true in the 1960s and the 1970s before we introduced rent control and it will continue to be true even after the government has allowed landlords to enhance their profit margins at the expense of tenants. They will no more invest in affordable rental housing than they will fly to the moon. They will take their profits and reinvest them in all kinds of enterprises. If the money does end up in the housing sector, it will be in the form of luxury accommodation.

I have listened to government officials say: "Yes, but the trickle-down theory will apply. All the people who are living in moderately priced apartments will move up to the luxury condos and vacate the other places. The marvellous trickle-down theory will trickle down affordable housing on the majority of people." Of course, that will not happen.



The government will find that tenants will suffer, that the supply crisis will continue and that the only solution to the housing supply crisis lies in an expansion of its nonprofit housing development program, which needs to be expanded in a major way to build the houses our people need, not just 2,000 or 3,000 units a year, but a major expansion of this program now that the basic structure of the program is in place.

#### 16:50

Members of the government will find this issue has not gone away and it will not go away. They have failed to understand that rent review and rent control are not related to the question of housing supply as they and their Progressive Conservative allies like to pretend. It is a matter of a basic right: the basic economic right of tenants to be protected against the threat of economic eviction from their homes. That is what rent review is all about.

The minister has failed to understand that. He has failed to enshrine that principle in this bill, and I regret to tell him we cannot support it.

**Mr. McFadden:** I rise at this time to raise some questions about Bill 51 and two or three of the provisions contained in the bill, as amended. While I feel this bill brings a number of useful changes to the area of rent review in Ontario, I have some major concerns and real objections to a couple of its provisions.

The first objection I have is to the RCCI formula. During recent months, as this bill was wending its way through the consideration of this House and as the RCCI and BOCI concepts were discussed in the House throughout question period and elsewhere, I found to be obscure and confusing the answers of the minister concerning how this formula will work and how rental increases will be established in the future.

In recent months, I have had the opportunity to meet with tenants from my riding and from areas outside my riding to talk about the provisions of this bill. I sat down with them and provided them with copies of the bill to get their concerns about the legislation and any questions they might have. One of the things that came up time and again was concern about the RCCI formula, how it would work, the impact it would have on the tenants and the increases in rent that would be allowed under this legislation.

There was tremendous anxiety expressed to me about how this formula would work, who would be hurt, who would be helped and what it really means. I was not able to answer the questions, because this index is going to be established annually by the minister by regula-

tion. We do not know precisely how the formula will be dealt with in the future. We do not know how the various weightings taken into account by the formula will be handled. We will not know from one time to another who the minister of the day will be and how that minister might treat this index. We do not know how the rights and the positions of the tenants or the landlords are going to be affected.

This is not a matter that should be left to regulation passed by cabinet on recommendation of a minister, because it affects one of the most important ingredients of people's lives: their housing and housing costs. My submission is that this should not be left to a regulation made by the minister in the secrecy of his ministry and of the Cabinet Office. I feel the system in effect to date, where there was disclosure of the percentage and it was discussed in this House, was fair and more open.

I do not support the idea of establishing rent across this province by government regulation, using some index that can be changed from time to time at the whim of a government. There is tremendous anxiety throughout this province on the part of tenants about what this means and what is the significance of the RCCI approach. From what I have heard, I am satisfied the tenants have legitimate concerns.

The way this act is worded, the generality in relation to the index and the way things can be set by regulation, does not in any way alleviate my concerns about what tenants and landlords will face in the future. I cannot assure any tenant or landlord about what will be allowed in terms of rent in the future. I am opposed to allowing a government to have that kind of power to use regulation. I suggest the tenants throughout Ontario are at risk, in view of the way in which the RCCI formula is going to be handled by the minister in the future.

The second area I have concern about is the way the review of rent is going to be handled. Tenant leaders to whom I have spoken and ordinary tenants have real concerns that they will not have a hearing in the first instance. When a rent increase is sought in excess of what the government will permit by regulation under RCCI, there will be an administrative process set up, during which a bureaucrat will make a decision on what the rent increase will be, after consulting with the landlords and tenants in whatever fashion he may choose. Here again, we have the bureaucracy deciding. The bureaucracy is essentially going to decide on RCCI, and now it will be deciding in an administrative fashion



what increases will be allowed over and above the formula.

I have found tenants with whom I have dealt are very concerned about being denied the right of a hearing in the first instance. All this will achieve is that everybody will go to an appeal. Instead of somehow having everything simplified and everybody quite happy to deal with the bureaucrat and to have him set the rent increase, the reverse will happen. We are going to find that the tenant organizations will simply keep appealing. Increased friction will develop among the Ministry of Housing, the bureaucracy created to deal with this and tenants throughout the province.

The current process allowed for natural justice in the sense that tenants who were unhappy could go before a hearing, they could make their arguments in an open fashion and then a decision would be reached. If either the landlord or tenant disagreed with that decision, he or she could go on to an appeal.

**17:00**

I question the advisability of removing the right of tenants to a hearing in the first instance. I see no objection to a situation where the Ministry of Housing and its bureaucrats could work more closely with tenants or landlords to iron out disputes and try to settle differences that might arise over the amount of a proposed rent increase, maintenance standards or anything else. I see nothing wrong with trying to reach settlements amicably, but there is something fundamentally wrong when such an important matter as rent essentially can be decided behind closed doors by a bureaucrat in the Ministry of Housing.

Based on the evidence I have secured from talks with tenants, I submit that all we are going to have is a jam-up before the Rent Review Hearings Board because of the number and volume of appeals tenants are going to be seeking because of their unhappiness with the legislation and the bureaucratic fashion in which it will be dealt with.

On reflection, I am surprised the government allowed itself to fall into this kind of trap. The amount of heat that will be generated around these bureaucrats who are going to be setting the rents and deciding between landlords and tenants is going to be very intense in the months and years to come. The hearings allowed people to show up and raise their concerns in an open forum. If we think that somehow this is all going to go quietly away and a lot of people are simply going to put in their letters and accept what some bureaucrat says, some ruling that may take place

behind closed doors, if we expect this is going to produce peace and harmony, I suggest the government is deluding itself on this matter. That is not going to occur.

People should have the right to a hearing in the first instance. If either side is unhappy, it should move on to an appeal. That process is followed in one government tribunal after another. We do that with liquor and commercial licensing legislation; we do it across the board. We permit people to have a hearing in the first instance; we permit them to have an appeal. What we are saying here is: "No, you do not get a hearing in the first instance. You have to deal with the bureaucrat. The bureaucrat decides whatever he may wish. From there, sure, then you can get your hearing if you disagree." The cards should all be put on the table in a public hearing in the first instance.

There are other aspects of the bill that are useful. The ability of the minister to grant financial relief for tenants is going to be useful. I hope the rent registry system will deal with some problems that may have developed in rent charges across the province. I am supportive of the elimination of key money, which has turned into quite an abuse across the province and has denied a lot of people the ability to secure affordable housing.

In the long run, the way out of the shortage of housing and the kind of pressure that has been created in the rental market is to increase the supply of housing. We are caught in a very difficult conundrum in this province, but my concern on reading this legislation is that the RCCI formula will not lead to additional housing. It is only going to create anxiety on the part of tenants, and the denial of hearings in the first instance to tenants and landlords is also not going to help in securing additional housing.

One final thing with regard to the RCCI formula: It is my hope—and this was the unanimous view of the tenant leaders in my riding—that instead of RCCI and BOCI and all these other things, there should be a formula or an index established that would be well known to tenants and easily understood. The tenants in my riding, whose submission I very strongly supported, recommended that the fairest and most open index that should be followed is the consumer price index. It has some drawbacks, but at least tenants in Ontario would know through the year what they had to pay.

Now tenants are going to have to wait around, as are landlords, to determine the rental increase that will be allowed by bureaucratic fiat, by

cabinet regulation. That adds a level of uncertainty and confusion, and potentially, the ability for arbitrary action, which I believe is unhealthy under provincial legislation.

While there are, as I mentioned, certain aspects to this bill which are good and supportable, the bill has some very serious defects that are going to hurt tenants in this province, defects that I think could have been dealt with in other ways. Therefore, I have some real questions about Bill 51 and its impact on tenants in this province and the usefulness it will have in creating the kind of housing we are going to need.

**Hon. Mr. Curling:** I would like to correct the member for Eglinton (Mr. McFadden) and eliminate some of the fear he has. He mentioned that the RCCI is not in the act, but in regulation. It is not in regulation. If he looks at page 68, schedule A, it shows where to find it, in clause 71(1)(b). The member's concern can be allayed, because it is in the act. It can be changed only by amending the act, not by cabinet.

**Mr. Reville:** I want to assure the member from Eglinton that what the Minister of Housing (Mr. Curling) said to him is incorrect.

**Mr. McFadden:** I am glad the member for Riverdale (Mr. Reville) brought that to my attention because that is exactly what I was about to say. Obviously the minister has not read schedule A of his bill, Bill 51, page 68. It says:

"The formula for calculating the residential complex cost index for the purpose of clause 71(1)(b) is the greater of, (a) two per cent; or (b) two per cent plus 2/3 of the percentage increase in the three-year moving average of the building operating cost index, rounded to the nearest 1/10th of one per cent."

The minister should try to explain that to somebody. I will read on, since it is so clear. Maybe I should explain it to the minister. It says:

"The building operating cost index shall be constructed in accordance with the weighting and components set out in the prescribed table, with the weighting adjusted annually in relation to changes, based on a three-year moving average, in the components."

Is that clear to everyone? What nonsense. Who is setting the table? The table is not being set by this House; it is being set by the minister by regulation. The three-year moving average and all these components are not being set by this House; it is not a known component. It is being set by regulation by cabinet.

It is ridiculous to say I have misrepresented this. The minister well knows that while we can

read this and we can see what it says on the paper, it is very clear from just reading the paper that the BOCI formula and the moving average and the prescribed table and everything else is going to be set by cabinet by regulation. What the minister said and what the member for Riverdale pointed out and what a clear reading of schedule A indicates is exactly what I said earlier.

**17:10**

**Mr. D. S. Cooke:** I should inform the House we have just received word that the Leader of the Opposition has noticed the divisions in the Conservative caucus on this and has declared another free vote for the second day in a row. We expect the member for Eglinton (Mr. McFadden) to vote with the New Democratic Party this afternoon.

One of the things the member for Eglinton forgot to mention in all his expressions of concern for tenants is that he never did indicate whether he supported the amendment proposed by his Housing critic that rent review could be phased out in Ontario so that tenants would not know anything about their potential rent increases. The member for Eglinton might like to tell us his view on the position of his Housing critic and whether he supports a phasing out of rent review.

That Conservative proposal, which was also put forward by the Liberal Party a few years ago, that when vacancy rates get above three or four per cent, rent review should be eliminated in any community, would have meant that in my community a few years ago during the recession, when vacancy rates were seven per cent, rent review would have been completely eliminated, and now that the economy has turned around and our vacancy rate is 0.4 per cent, we would have no rent review in Windsor. That would satisfy the member for Sudbury (Mr. Gordon) and many of the Liberals who also do not support rent review, but it would have left all the tenants in Windsor and Essex completely unprotected under any piece of legislation.

It is nice to see the fence the Conservative Party has tried to straddle. I guess it is the same fence the Minister of Housing (Mr. Curling) and the Liberal Party have attempted to straddle in this piece of legislation.

Many of the tenants in my riding are in post-1976 buildings, and they believed the Liberal Party when it changed its long-held position opposing extension of rent review; they believed the Liberal Party that it was going to be a four per cent guideline. The tenants in Amherstburg, in the riding of the member for Essex South (Mr. Mancini)—and there are a lot of post-1976



buildings in Amherstburg—believed what their local member said, that the guideline was going to be four per cent.

The government did not deliver on its commitment, and the 5.2 per cent is misleading in itself, as has been outlined by our Housing critic, when we add in all the other percentages. I do not pretend to understand this entire formula, and after hearing some of it read to us again by the member for Eglinton, I am not sure I want to understand it. What it boils down to for the tenants in post-1976 buildings in my riding is that they could get suckered with 15 per cent and 20 per cent increases in their rent under the guise of rent review or protection for tenants.

Unfortunately, a lot of tenants will not understand how bad this bill is until after the next provincial election; obviously, that was one of the public relations moves on the part of this government. It passes a piece of rent review legislation and tells the tenants of this province it is improving the system and it is going to protect post-1976 tenants. When they find out what the system is like, they will understand how badly treated they have been by the Liberal Party of this province.

**Mr. Mancini:** What nonsense.

**Mr. D. S. Cooke:** It is not nonsense. The member for Essex South should wait until the tenants in Amherstburg find out how they have been screwed under this bill.

The section in this legislation dealing with costs no longer borne gives me a great deal of concern, because it does not offer protection. When capital costs have been recovered by a landlord, they should be pulled out of the rent; that is all there is to it. He gets a return on the investment. He gets 12 per cent or 11 per cent, depending on the going percentage for interest rates, but in the government's bill it is not doing that.

**Ms. Caplan:** It does that.

**Mr. D. S. Cooke:** No, it does not. He has to put more capital into the building, and then there is a certain percentage of it that is taken off; so if he puts a fridge or a stove in an apartment unit, the only time costs no longer borne kicks in is when he replaces that fridge or stove.

The reality is that this bill is a great disappointment, not only to this caucus but also to the tenants of this province. By going to the tenants and telling them what both the Liberals and the Conservatives have done to them today by passing this bill, we will be able to get the message through more clearly than ever before that, when the bottom line is struck, Liberals and

Conservatives will always be on the side of the landlords and the big developers of this province, and New Democratic Party MPPs and our party will always be on the side of tenants.

**Mr. McFadden:** The member for Windsor-Riverside (Mr. D. S. Cooke) made some unkind cuts about my leader and what was said by our Housing critic.

With regard to the vacancy rate and that point of view, it is clearly in the best interest of tenants in Ontario to have vacancy rates that would allow for a choice for tenants. I do not think anybody is questioning that.

The member for Wellington South (Mr. Ferraro) has just joined our caucus. He has had enough over there and has decided to join us here today.

**Mr. Philip:** He fits right in.

**Mr. McClellan:** Birds of a feather.

**The Deputy Speaker:** Order.

**Mr. McFadden:** Now he is sitting in the aisle. He cannot make up his mind.

**The Deputy Speaker:** Carry on.

**Mr. McFadden:** I am sorry to be diverted from this matter.

The objective of our party is to work towards a situation where there would be a sufficient supply of housing and a sufficient vacancy rate that rent review would potentially not be needed everywhere in Ontario. In the areas it is needed, it would have to be in place. Right now in Toronto, there is virtually no vacancy rate. There are some areas of Ontario that have a greater vacancy rate than that, but Toronto has virtually a zero vacancy rate. In that circumstance, rent review is essential and socially necessary.

From the point of view of our party, and I hope from the point of view of all members, there is a need for additional supply. We hope to have no need for rent control. As of now, we certainly do.

**Mr. D. S. Cooke:** My home community is a perfect example of what the Tory and Liberal policies as enunciated a few years ago would have done. Our vacancy rate went up to seven per cent. We would have no rent control in Windsor right now, but instead we have a vacancy rate of 0.4 per cent. The play in the economy has a lot to do with it.

When the auto industry goes down, our vacancy rate goes way up because people move out of the community. When the auto industry booms, the vacancy rate goes down to virtually zero. Landlords would exploit that badly, as they exploited the lack of controls in the post-1976 buildings. It is fine for the member for Eglinton



to sit on the fence and say he supports his critic and supports his tenants, but not really explain his position. He cannot have it both ways. It does not work. He is living in technicolour.

**Mr. R. F. Johnston:** I would like to add a few words to those of my colleague. Before redistribution, my riding had a population of about 35 per cent tenants. After redistribution, it will be much closer to 50 per cent.

For years, the area has had a problem with landlords who have abused the past legislation. A large number of illegal rents were being paid. Some scandalously famous cases have been taken to the superior courts by some of the worst landlords in Ontario. In the riding are some new buildings whose tenants have been living with incredibly high escalating rents over the past number of years; as well, there is a lot of older, affordable housing stock in the Eglinton Avenue area.

The fight in 1975 and the election around the need for rent review struck a responsive cord in my riding. It was one of the reasons the member at that time, Stephen Lewis, held the seat by a 10,000-vote plurality. There was hope raised during the early period of that minority government that the needs of tenants were being looked after, but when then Premier, Mr. Davis, came to an early election, in 1977, without having yet achieved the full protection of tenants, they saw through his charade and returned us very strongly. Again, rent review was an important issue.

#### 17:20

In 1981, although posturing by the then Premier was at its height in terms of his belief in rent review, and the Tory party did not believe in such things as having the occupancy rate affect whether this basic right for tenants should be there, we still managed to convince a large majority of the tenants in the riding that their best interests were served by a New Democrat.

After the 1985 election, when the accord was struck and we were able to show tenants in my riding what promises we had been able to eke out of the new Liberal government, there was great rejoicing among the tenants of all the various kinds of buildings in my riding, whether they were new buildings, old buildings with scandalous and disreputable landlords or housing stock in need of major refurbishing. They thought a written guarantee of four per cent was something out of which not even politicians could squirm.

I want the minister and the government to know that I have been keeping my tenants well acquainted with the changes in that agreement

made by the Liberal government under the supposed guise of a binding, behind-the-scenes negotiating process between some tenants and landlords of Ontario and with the fact that therefore a written agreement the government had made publicly with this party could be as seriously amended as the government has now changed it.

We have had several meetings in the riding, trying to explain the new formula. Nobody understands it. This means it is going to be on the side of landlords and their high-priced lawyers and very much against the interests of tenants. A clear means of being able to determine that, is just how understandable it is to the average tenant in Ontario.

The fact that the government would promote an amnesty for some of the landlords in my riding who have systematically broken the law during the past number of years is, in my view, reprehensible. I believe it is felt that way by many of my tenants. It may be, as the member for Windsor-Riverside says, that the negative impact of this legislation will not be felt by many tenants until after the next election is held.

It may be that it will take another election before this comes back to haunt the minister, but I can tell him that that will not be the case in Scarborough West. In any of the ridings we now hold, or have great strength in, our message about what the government has done to tenants, how it has betrayed them, and its alliance with the landlords will be a message we will take very clearly to them and for which, I suggest, the government is going to pay dearly in the next election.

**Mr. Laughren:** I must say a few words about Bill 51 because of the surreal experience I had in chairing the committee that dealt with the bill. It was a surreal experience not simply because it was a large, long, complex bill with in the neighbourhood of 100 amendments—I am not sure of the exact number now; we had difficulty keeping track—but also because the staff of the Ministry of Housing at times added to the surreal quality of the experience. It was certainly a fun experience.

I must commend the Minister of Housing for the staff that surrounds him. I do not know whether he put them all in place or whether they were already there, but they were very helpful during the debate on the bill. As a matter of fact, the Ministry of Housing staff helped me to extend my knowledge base immeasurably during the debate on the bill.

When the public hearings were being held, it was a very clearly delineated debate. When people came before the committee, they were either absolutely for the bill or they were against the bill. The tenants invariably were against the bill. As chairman of the committee, of course, I was impartial. It was only after the whole experience was over that I became convinced the tenants were right.

**Mr. Reville:** It was not easy.

**Mr. Laughren:** No, it was not easy. I wrestled with it for a long time after the committee had adjourned its hearings and its clause-by-clause debate. I came to the conclusion that, despite the spellbinding oratory of that silver-tongued devil, the member for Sudbury, the member for Riverdale had convinced me that the tenants were not going to get the kind of protection to which they are not only entitled, but also have been promised.

If I go back a year and some to the accord that was signed by the minister's party and this party, I remember what it said about a control on rents. Even though my constituency will not be greatly affected by this legislation, it seems to me there is an obligation for a government or political party to honour its commitments. That is where the government has fallen so greatly short. The minister must feel somewhat funny having to bring forth and implement legislation that goes back on the government's word. That must be difficult to do and hard to justify.

I thought it was only fair I should let it be known that, after hearing the debate, the people involved should know who had convinced me, the member for Sudbury or the member for Riverdale. The member for Riverdale's arguments were incredibly persuasive.

It was a good experience, and I did appreciate the assistance from the Ministry of Housing staff and also the presence at the hearings of the Rent Review Advisory Committee people, some of whom are in the gallery today. They were most helpful to the committee during the hearings as well.

**Mr. Grande:** I want for a few brief moments to outline some of my concerns about Bill 51. My colleagues on this side of the House have mentioned over and over again the four per cent guideline and have asked whatever happened to it. We all know, the people, the public and the tenants in Ontario know, that the Tories were in agreement with the four per cent guideline, the Liberals were in agreement with the four per cent guideline and the New Democrats were in agreement with the four per cent guideline. It

seems, however, that only one party is now in agreement with the four per cent guideline. The others for their expedient reasons have forgotten about it and have abandoned the tenants to the whim of the private marketplace.

That is one reason I am not happy with this bill. A second reason concerns the rent registry. If any party has made the case in this province for a rent registry, it is this party, and I am very proud of the battles that have been fought over the years. However, we need a rent registry that is meaningful for tenants, a rent registry that goes back to 1976, when rent review began in this province, and a rent registry that will not allow millions of dollars in illegal rents to remain in the pockets of the landlords, which is what this bill does, because the rent registry goes back only to July 1, 1985.

**17:30**

I want to talk about a case in one of the buildings in my riding of Oakwood. Forty per cent of the people in that riding are tenants and live in rental housing. We went before the Residential Tenancy Commission and discovered that four tenants in a building were paying illegal rents. We made the case before the rent review commissioner that, as a result of those four illegal rents, we wanted to get the records from the landlord back to 1976 to determine whether all the tenants in that building were paying illegal rents. The commissioner ordered the landlord to come back with the records. The landlord's representative came back at the next meeting and said: "We are sorry. We looked all over the place for the records but, unfortunately, we have not been able to locate them. We have lost them. All we can go back to is 1984."

As far as we were concerned, we had made what is called in law a *prima facie* case that illegal rents were being paid in that apartment building and that therefore the onus was upon the landlord to justify those base rents in that building. The commission decided in favour of the landlord, that the landlord need not. As a result of this bill, no landlord in this province is going to pay the money he has stolen from tenants for 10 or 11 years.

Those are two concerns, and I can go on with many other concerns that this bill has for me and particularly for the tenants of the riding of Oakwood. Therefore I will sit, having let the government know how concerned and uncomfortable I am about this bill. It is just too bad that the Tories and Liberals did not allow proper amendments to this bill to make it a good bill for tenants in this province.



**Ms. E. J. Smith:** It is my pleasure today to stand up on behalf of the government and address some of the comments of the members of the NDP and Conservative caucuses.

It has been an interesting committee to sit on, excellently chaired by the member for Nickel Belt (Mr. Laughren). I am glad he is better as a chairman than he is at reasoning out which side he should be on in the issue. We all enjoyed working with him and for him.

I see the member for Sudbury (Mr. Gordon) has departed. Perhaps he will be back. I will address his confrères, who can carry back to him some of my comments. He seemed mostly to be upset at the high vacancy rate and the very slow start we had on the work of this government here. I welcome him back. I can say only that it may have seemed slow to him, but the people who were working so hard—I know what intensity and effort they put into it—were determined that this time they would do it right.

The only way we could have resolved this problem so well, and done it sooner, would have been if we had been elected to this government sooner. The most important part of what was done is that we did not simply pass a bill temporarily putting the rate at this or that. We created a process that will be ongoing, because we believed and still believe that the most important issue in this portion of the assured housing policy is to create a market builders will feel confident to enter. This required not just a short-term solution of a given percentage but the assurance that this was a process that would keep working. As it has worked until now, every time there is an election, people forget everything they have said and offer lower and lower rates as the solution to an election problem, rather than looking at the base problem, which is providing housing.

We are addressing a portion of the housing problem, not just the upper end of it, but it is just a portion, and we recognize this. The member for Sudbury was somewhat upset that we did not seem to be addressing the affordability program. I will mention some of the figures in that, but I say two things. The member for Sudbury said we currently have a 40,000-unit shortage. I agree we have a deplorable shortage of housing. I suggest it is the result of many years, and that is what we have been working to rectify.

In the affordable housing area alone, and the member talked of 40,000 units, we have put up funding towards 18,800 units in this period. We are indeed moving forward, not backward, and at an incredible rate. Let me quote for the member

for Sudbury the support that was given in his community alone. In 1984, there were 15 units afforded there. In 1985, there were a miserable 28 units. In 1986, there were 253. I call that great progress and moving forward.

The member for Bellwoods (Mr. McClellan), along with the member for Sudbury, seemed to call into question that builders would ever get into this market. It is essential to us that we get builders into the market. If it were to be addressed only in the way the New Democratic Party suggests, the lack of housing would become such a huge cost to this province that every other social program would have to suffer. A government cannot be all things to all people. It has to prioritize. Taking the NDP's route to solving the housing problem would mean there was no money left for other social programs.

It is not a case of saying we will let the developers tell us what to do. We have said, quite correctly, we will get the developers in, sit them down with the tenants and come up with a solution. That is what happened. We talked to developers about a reasonable return on investment. We addressed that, because developers, like every other person in this room, including those in the NDP caucus, are not going to invest their money in something as troublesome as housing and tenants if they can put their money in the bank and get the same or a better return on the investment. That is a premise we accept.

In exchange for a reasonable profit, the tenants have got the things they were most interested in: a meaningful registry of rents which covers absolutely everything; other clauses such as costs no longer borne; and, most important to tenants, a maintenance board and maintenance standards. Nobody is mentioning that over there. The most important thing to the tenants was that they get their maintenance standards, and that is a part of the bill.

We did not listen to developers. We did not listen to tenants. We put the two together and asked them to work together.

As far as the member for Riverdale (Mr. Reville) is concerned, I liked his illustration of the bills and the fans. It was a very graphic illustration of what happened. We started with what we thought might be simple solutions and realized when we looked at the problem that it was too complex to be resolved in a meaningful way by simple solutions; so we took on the job of writing a more complicated bill with long-term solutions in it, recognizing that this and this alone would resolve it in the long run.



**17:40**

The member for Riverdale said we had more than 100 amendments. The House should be grateful to the members of the committee and the staff who worked so hard. If we had more than 100 amendments, it is because we expended that much work and effort in constantly improving the bill and hearing from each group as it came up with suggestions. We ended up with a bill that has 133 sections; so members can see how hard we worked in that period of time.

**Mr. Wildman:** It is too complex. Nobody understands it.

**Ms. E. J. Smith:** That is a different point.

These people worked night and day, and I commend them on the effort they put into those amendments that are now part of the bill.

We hear about broken promises and accords from many members of the New Democratic Party. Have members looked to see what is in the bill? They will see the figure of four per cent. Members should go over the record of what was said. We promised four per cent in the bill, and we have four per cent. We promised that rents of more than \$750 would be included, and they have been. We promised post-1975 buildings would be included, and they have been. We promised a rent registry, and we have delivered. We promised a five per cent cap on building sales, and it is there in subsection 79(3). We promised a provision dealing with costs no longer borne, and we have it there.

**Mr. Ferraro:** And in the next election, you are going to get it.

**The Deputy Speaker:** Order.

**Ms. E. J. Smith:** The four per cent is still in effect. It will change only slightly on April 1, 1987, and then will be eased in.

**Mr. McClellan:** On April Fool's Day.

**Ms. E. J. Smith:** It is also the day of one of our good saints. I cannot remember which one. We will make whoever it is the new saint of housing.

The change will then be eased in over one year, but even in April we are very close to the two-year accord time. They have had their four per cent. We recognize and everybody in the Conservative caucus recognizes that the simplistic solution was not that because it was not going to get us out of our drastic housing shortage.

The member for Eglinton (Mr. McFadden) expressed a great deal of concern about legalistic versus bureaucratic. I find this interesting. I have to say he would be leaning somewhat naturally

towards a legalistic solution, just as doctors tend to treat disease rather than promote prevention.

Time and again at the hearings, we saw people who had been reluctant to do anything about their rents, be they landlords or tenants, because they were thrown off by the formality of the process. All they could see is that they would have to hire expensive lawyers and go through this big legalistic process. What has been set up now is something people can go to and get help from without lawyers and costs. They can still go to a review. That right has not been taken from them. They have the same right to appeal as they did in the first place, but they have an option now to get assistance first.

If members think bureaucrats are nothing but unhelpful to the people who approach them, they had better be ready as members of the provincial parliament with a constituency staff to make sure the bureaucracy is helping. That is the responsibility of an MPP. Bureaucrats have been put there to help in the centres across Ontario. We know they will be needed because the bill is complicated, and that is why they will be there. Members must police those people to make sure they serve the tenants and landlords properly.

All the talk about business behind closed doors and secretiveness are completely lost on me. I cannot think of anything more open than this legislation. Right from the beginning, one of the most important things that was introduced, and it runs through the whole bill, is the right of the tenant to know and the right of everybody to understand.

We had a terrible case presented to us of people who went three years with no rent increase and then suddenly got it all in one year. In the first place, people will find out every year what their allowed rent is. They have an allowable rent. In the case cited, for some good reason, perhaps that they were exceptionally good tenants, the landlord did not change their rent. He was allowed to, but for whatever reason, they got through with no increase for two years, even though it was allowed. I do not find it a very pathetic case.

Not only that, but the information is given and made available to them at any time. Most especially the openness is there, which has never been there, that when people move into a new apartment, all they have to do is pick up the phone and ask, "What is the allowable rent on this unit?" It does not matter if they are new tenants or old tenants. The information remains the same.

Before I stop, I have to say I find it amazing that the party of unionism is attacking something that to me has a great resemblance to union-management negotiation. Here are two groups with what has always been interpreted as contrary aims: the landlord who is only going to make money and the tenant who is only going to make trouble for the landlord. This is the same sort of concept we used to have, and I hope do not now have, between union and management. The third party says union and management working together can make this country a good industrial country, and I believe landlords and tenants working together will resolve our housing problems.

We recognize and stress that this bill does not address the whole housing problem. This year, in recognition of this, we have funded almost 19,000 units and we will continue to recognize the need for social assistance in housing until this problem is resolved. Affordability must be addressed and will continue to be addressed by this party.

We recognize the bill is not perfect. There are things in it that probably will be re-examined as time goes on, but the process is set in place. The landlord and tenant groups will continue to meet together and review and recommend how the problems can be resolved. This is an ongoing process. I do not know how the NDP can oppose something that so completely resembles the management-union co-operation and balance that we have.

I look forward not just to a solution today in the short term, but in the long term, to improved relationships between landlords and tenants and the recognition on both sides that a good landlord makes for a good tenant and a good tenant makes for a good landlord.

**Mr. Reville:** As much as I enjoyed working with the member for London South, she has a lot to learn about unions. When a union representative negotiates a deal, it gets ratified by the membership. Tenants never ratified the deal made by their representatives. In fact, if tenants had a chance, they would fire those representatives.

**Mr. Gordon:** I would like to comment on what the member for London South said. We have had pretty good examples of how complicated life can be made for the citizens of Ontario. If we take the Workers' Compensation Board advisers who have been established in various communities, that has become a very complicated process, and we have workers backed up all over the place. If we take the new committee that

has been set up, whereby workers go to a final board to get a decision, now they have to take lawyers with them, because it has become so complicated. I suggest that this bill is very complicated as well.

**17:50**

As the member for Sudbury, I worked very hard for the more-than-200 units that have come to Sudbury. The people of Sudbury are pleased that they have more rental housing and are going to inhabit those houses. I think the arguments of the member for London South at the end of today's debate have proven once again that this is, purely speaking, a rent review bill.

It is a case of where the government has spent more than a year gazing at its navel and has come up with no more affordable housing for the people of this province. As a matter of fact, the government even admitted in this House today that it had not reached the number of housing units it had established as the necessary objective. I think this just shows again that there has been too much time spent on matters which could have been passed by the Legislature more than a year ago.

We would all have acquiesced—there were no problems with that—and got on with the business of a crash program to supply housing for the residents and citizens of Ontario who need it. I ask the government to reconsider its navel gazing and get on with the building of housing in this province.

**Mr. Taylor:** I appreciate this opportunity to participate in this debate. I served on the standing committee on resources development while most of the presentations were made. I initially concluded that there seemed to be no one in support of the legislation, neither the landlords nor the tenants. As the hearings proceeded and as the presentations unfolded—

**Mr. Sargent:** Time.

**Mr. Taylor:** I thank the member. I see he is back in the House after the vote on the homosexuals.

**Hon. Mr. Kerrio:** Is this necessary?

**Mr. Taylor:** I want to talk to the Minister of Energy (Mr. Kerrio) later too, but right now we are talking about housing. I have a great deal of respect for the Minister of Housing. For him to sit there and persevere as he did in his good-natured way and to be truly understanding of the problems of both sides, I think we should all compliment the minister for that. He is deserving of it. I wondered whether the untiring, unending

debate on this legislation was ever going to conclude.

My conviction is and has been for a long time that we have too much government control. There is a dire need for housing in this province. I invite the Minister of Housing and the Minister of Municipal Affairs (Mr. Grandmaitre) to join hands and review the legislation again, because there are too many roadblocks in Ontario which frustrate the building of houses, apartment buildings, condominiums and so on.

I think it is so essential to pursue that, to see whether the conditions, the imposts, the severe financial problems that young people face in trying to acquire a home are necessary. We see the expenses factored into the mortgage and the problems of financing this piece of legislation. I heard an estimate that it would take about \$20 million per year to administer this piece of legislation. I would like to see the money, however much it is, put into assisting people with their mortgages and with the opportunity of buying homes. Directionally, as I see this legislation, it provides an umbrella, so to speak, within which the marketplace has some role. To some degree, the marketplace will be better able to operate within this legislation. In so far as that happens, it is good.

Our party is supporting the legislation in a directional sense. Nothing is perfect. Some of us would rather see the persons who need financial help for housing afforded that help, but not to handcuff the whole of Ontario. There are many communities in Ontario that do not need the type of restrictions and controls, the bureaucracy and the problems that result from rent control.

I invite the minister to keep this legislation under constant review, to have the open mind he has exhibited so well during this process, to look forward and never to forget the goal—not the goal

we seem to envy at the moment of being the second-largest landlord on the North American continent. Ontario is the second-largest landlord on the continent after New York City. I do not think that is a goal. It may be a goal for the socialists; they want to be the biggest, but in terms of this legislation, I suggest we should be trying to put the argument back into the private market.

The House divided on third reading of Bill 51, An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes, which was agreed to on the following vote:

#### Ayes

Bernier, Bradley, Brandt, Callahan, Caplan, Conway, Cordiano, Curling, Davis, Dean, Eakins, Elston, Eves, Ferraro, Fontaine, Fulton, Gordon, Guindon, Haggerty, Harris, Hart, Henderson, Kerrio, Knight, Kwinter, Lane, Mancini, Marland, McCague, McKessock, McLean, Miller, G. I., Mitchell, Newman;

O'Connor, Offer, Partington, Pierce, Poirier, Pollock, Polsinelli, Ramsay, Reycraft, Riddell, Ruprecht, Sargent, Scott, Smith, E. J., Sorbara, South, Sterling, Stevenson, K. R., Sweeney, Taylor, Van Horne, Villeneuve, Ward, Wrye.

#### Nays

Allen, Breaugh, Bryden, Charlton, Cooke, D. S., Fish, Gigantes, Grande, Grier, Hayes, Jackson, Johnston, R. F., Laughren, Mackenzie, Martel, McClellan, Morin-Strom, Philip, Poulriot, Rae, Reville, Swart, Warner, Wildman.

Ayes 58; nays 24.

The House adjourned at 6:11 p.m.



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No. 75

# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Thursday, December 4, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 4, 1986

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### ELECTION FINANCES AMENDMENT ACT

Ms. Fish moved second reading of Bill 153, An Act to amend the Election Finances Act, 1986.

**The Deputy Speaker:** The honourable member has up to 20 minutes for her presentation and she may reserve any portion of that for her windup.

**Ms. Fish:** I am very pleased to rise today to move second reading of Bill 153, An Act to amend the Election Finances Act, 1986. I am pleased because I believe this act begins to address one of the many difficulties that women in our society face when they look to the opportunities presented to them to enter electoral politics and find themselves in a situation where they can, for example, join us in this chamber, our colleagues federally, our colleagues municipally or even those on school boards.

This bill speaks only to the opportunities for women running provincially. The bill specifically is very simple and very short. It simply exempts from the election spending limits that will govern us in all future elections any of the expenses related to child care on behalf of a candidate in a campaign. In other words, campaign funds could be spent on the candidate's child care expenses without being entered into the campaign expense record, which must, of course, be forwarded to the Commission on Election Finances.

I believe this seemingly small and simple step will, none the less, be fairly significant for women who are seeking elective office at the provincial level. That comes from two things. First, we know the election limits that will face all candidates at the beginning of the next general election and thereafter average out, on the basis of a formula, to approximately \$46,000 per riding. Of course, that is a sliding scale that deals with the numbers of eligible electors and so on, but it is approximately \$46,000.

It is also fairly simple to calculate what child care expenses might be for a parent, particularly a woman, seeking elective office for the 37-or-so-day period of the writ, providing child care for one child only. If we look at what expenses might be for a nonsubsidized day care space, for example, or support in the home for that mother, it would take a very short time, working on simple minimum wage calculations and a 40-hour week, to come up with expenses approximating \$2,000 for that period.

It is fair to say that those expenses are probably undervalued, knowing, as we do, that 40-hour weeks are rare in political life at the best of times, and perhaps rarest of all during a campaign in a writ period. The \$2,000, approximately—again, it would vary with the region and with the circumstances, but it would be a minimum of about that—is a substantial expenditure when one puts it into the context of the limits that, quite properly, are being placed on campaign expenses.

However, care for the children of a candidate is surely a necessary expense in the course of this period, and particularly necessary for women candidates, who are most often responsible for the rearing of their children. Clearly, if we are serious in this House, as I believe we all are on all sides, we will want to ensure that a mother is not penalized in her attempt to gain a seat in this Legislature by virtue of having to include within campaign expenditures the cost of child care.

We all know lack of money and lack of access to money are a part of the complex number of things that have historically discouraged women of this province from seeking electoral office, particularly to this Legislature. We know as well that the particular difficulties faced by women have been recognized by all the parties represented here, and additional special structures and encouragements have been established by each of the parties to recruit more women as candidates and to provide some help to those women in their efforts to run, recognizing that some help is needed. That might, for example, be a special fund for assistance, special selection procedures or what have you.

In my party we have established a task force to examine quite a range of things that merited

doing. One of the items under review was the issue of the impact of legislation such as that governing election expenses. This bill flows from that very careful and detailed review by the task force identifying steps that should be taken to assist women who are running for elective office.

The historical view of women in Ontario politics is a pretty devastating one, and every step we can take to encourage more women, I think, would be agreed upon by all sides.

Let me take just a moment to review some of the history. Since 1867, there have been 19 women elected to the Legislature—only 19. The first women who were elected joined this Legislature in 1943, some 26 years after women gained the right to vote in Ontario. Of course, it was not until 1972 that the first woman was appointed to the cabinet in this province.

#### 10:10

More recently, while some 69 women ran for office in the 1985 election, including 18 from my party, only nine were elected, three for each party. An additional woman has joined us as a result of a by-election that occurred shortly after the general election. In 1971, 17 women ran for office for the different parties and only two were elected. In 1975, seven of the 39 women candidates were successful. Two years later, 44 women ran and six were elected. In 1981, 45 were candidates and again only six were elected.

This brief history tells us that at least within the past decade and a half there has been a fairly steady increase in the numbers of women for all the parties presenting themselves as candidates for election to this Legislature, but the numbers are exceedingly small. This simply has to be an area of concern to all of us.

To talk about increases over a very narrow base can give a high-sounding statistic or percentage but does not reflect the fact so very few women are presenting themselves here. This is in the face of the fact that women account for a little more than half the electorate and participate in the vote at the same level as men. Yet they continue to occupy less than 10 per cent of elected parliamentary offices.

We also know that women who seek public office tend to be unmarried, childless or older with grown children. One study of Canadian female candidates that was undertaken not long ago found that nonmothers were twice as likely as mothers to contest their first election before the age of 40. In other words, this relates directly to the traditional and continuing role of women in child care and child-rearing, being principally

responsible for parenting. Although women are having their children later in life, perhaps moving it from the early 20s to the late 20s or early 30s, none the less, this still means there are families with very young children and mothers with prime responsibility for parenting and for caring for those young children among the majority of women who are 40 or under.

With the importance of the role women play in parenting, the importance of the support they must be given in the area of child care and parenting so as to genuinely encourage more women to come forward as candidates, is shown in the fact that study after study here in Canada as well, as in the United States, indicates that the role of wife and mother, with responsibility for parenting and child care, does not inhibit women from political participation, save and except for standing for elected office.

The studies clearly indicate very extensive participation rates for women with young children in politics, but not as candidates. We know women are taking places in all our parties as organizers, executive members and delegates, but are stopping short of what everyone would agree is the next logical step, direct candidacy.

We know motherhood is a relatively nonflexible occupation. It places very real limits on the opportunities for women at present, given the lack of support structures. We know, for example, that at home mothers may find it considerably more difficult to develop some of the political skills and social networks necessary for successful candidacy. Notwithstanding many of the changes that have occurred in society, we also know women who work outside the home too often face a double day of responsibility in caring for their children in a prime fashion in addition to work done outside the home. Political candidacy for many might turn that double day into a triple day.

If we believe, as I think we all do, that the democratic system is built on the principle of equal access to political power, then it is clear we must move to ensure that the laws governing our election provide for a genuine equality of access.

I have no doubt that there may be some who feel this amendment, in its very practice and general application, would likely be of greater benefit to women than to men. Although the language is neutral and would clearly provide the opportunity to deduct child care expenses to a man who may be a single parent or may himself be the principal child care giver within the family, none the less, we know the target here is clearly women. There may be some who feel that



somehow provides for a bit of additional help that takes the opportunity for political activity out of balance, out of an equality position.

I argue to the contrary. There are times when our laws must be changed to provide special help to some within our society to bring their participation, their genuine access to our system, into balance. I believe this is one of those cases where an opportunity for women to participate with greater equality and, we hope, in greater numbers will be enhanced if we move with this amendment to provide that additional help we know will speak most directly and in general to the women of this province.

Having said that, neither I nor those others who support this suggest that this small, simple and direct amendment will somehow magically eliminate all the many barriers that now exist structurally and culturally for women seeking elective office in our society; nor do I suggest that if it is adopted, as I hope it will be, we will suddenly see women making up 50, 60 or 70 per cent of this Legislature come the next election rather than something in the order of eight per cent. However, it is a step in the right direction, and it does speak to at least two of the structural and cultural limitations that currently face women.

Structurally, it will reduce in some measure the financial and logistical limitations to the candidacy of many women, particularly those younger women with young families. Culturally, it will signal to women and society at large that we as legislators, speaking for the whole of society in Ontario, are willing to recognize responsibility for child care and gender equality in the Legislature.

We know that in the past couple of decades particularly a major transformation has taken place in Canadian society. I mentioned earlier that couples are having fewer children and having them later in life. We know there are far more single-parent families than there were 30 years ago. We also know an overwhelming portion of those single-parent families are mother-led. They are very often led by women who live on incomes below the poverty line.

We know as well that the rate of participation by women in the labour force has risen rapidly, and participation by mothers of young children has risen the fastest of all. More than half of our families now have two income-earners. We know that is rarely a matter of choice and very often a matter of necessity.

These changes have been recognized in many of the shifts we have made in our policy and

legislative framework. One of those has been in the acknowledged increase for child care options. We talked of child care policies, day care spaces, early childhood education, extending an additional subsidy where it is required and enhancing the skills and training of those to whom we give one of the most important jobs in our society, that of caring for our children for our future. To this point, we have not taken the next logical step in the application of that understanding of the importance of child care and applied it in a particular way to assist those who would come forward as part of the political process within this Legislature.

#### 10:20

I believe this bill will do that. It will provide a signal culturally. It will afford additional assistance structurally. Most important, it will move us in the vein I believe we have all expressed the wish to go, which is to provide greater opportunity for genuine participation and true access to elective office by 50 per cent of our population.

I very much hope that members of this chamber will join me in supporting this amendment, this small but important step.

**The Deputy Speaker:** Does the member wish to reserve the remaining time for her completion?

**Ms. Fish:** I intend to reserve about two minutes.

**The Deputy Speaker:** Thank you. One minute and 45 seconds.

**Mr. Warner:** At the outset, I wish to congratulate the member for St. George on her excellent speech. Naturally, along with all other reasonable members of this assembly, I will be supporting the bill. I do not know how any person can vote against it. Further, I hope the government will see to speedy passage of this bill, as we saw recently with another opposition member's private bill. The government co-operated and the bill was made into law. That is what has to happen with this bill. As the member has indicated, it is a small but significant step towards trying to ensure greater access for women to participate in the political process.

I notice we have a school group with us this morning. Whenever I meet with school groups, one of the questions I ask them is whether they can tell me how many women are elected to the assembly. It is fascinating to hear the answers. Usually, the answers are somewhere around 30, 40 or 50. School children believe there are at least 30, 40 or 50 women elected to this assembly. Usually, they are quite shocked when I tell them there are only 10. Then I ask them the

next question, because kids study math in school. Is that 50 per cent of the 125 seats? Of course, they know it is not.

Obviously, the pitch to those young girls in elementary school classes is that they may very much want to seek out a political career as something to aim for, because we need a balance of view in this assembly. Historically, we have never had it. Historically, what we have had are men's views about how the laws should be structured and how society should be developed. That has to change. It is changing; attitudes are changing.

I want briefly to relate a little story that tells me that there are some changes in attitudes and yet there is still a long way to go. A former colleague of mine when I was teaching told me of friends, a working couple, who, when they had their first child, sat down and discussed between themselves how they were going to share the responsibilities of raising their child.

The couple decided that the husband, who was a teacher, would take a leave of absence for a couple of years and stay home and raise the child. The mother, who had a career in her own right, would continue with the career beyond the normal maternity leave. That is what they decided to do. He was quite pleased to have the opportunity to stay home with his child and do all the normal household duties. She continued with her career, which I believe was in law. Members will not believe the scorn and derision that were heaped upon this poor man by his former friends, teaching colleagues, relatives and neighbours. Unfortunately, even some of the women in the neighbourhood were somewhat suspicious of this activity, of why he was staying home raising the child.

In some countries that is not unusual. We have a long way to go. Where we start is with the attitudes, because if we do not change our attitudes about the sharing of responsibilities when raising children, the sharing of responsibilities in maintaining a home, then how can we hope to break down the barriers so that more women will participate in the political process and, indeed, participate in all of society? The barriers are still there. It is still a male-dominated society. We have made some progress, but the barriers are still there.

One just has to look at the basic economic structure of who runs the country and how it is run, at all of the institutions, to know that it is still male dominated. There has to be an equality between the sexes. I am very confident that this will come about, but it takes a determined effort,

especially on behalf of those who are elected to hold public office. It is incumbent upon politicians at all levels, municipal, provincial and federal, to show leadership wherever possible, to demonstrate that this will be a society in which men and women will share equally, that they will have equal responsibility and that they will enjoy the benefits equally.

We can no longer tolerate women receiving less money for the work they do than men receive. Surely we cannot tolerate the notion that only women will have the responsibility of raising children and of maintaining the home. That is a responsibility that needs to be shared with men. In fact, quite frankly, it seems to me that when women become liberated, so do men. Men become liberated from the traditional role that has been thrust upon them. They become liberated so that men and women can enjoy life on an equal basis.

I really look forward to that day. The member for St. George, who has done quite a bit of research into this area, will recall that it really is not very long since women gained the right to vote. Can members imagine? A basic democratic right, which we take as a principle in a democratic society, the right to cast a vote, was denied to half the population. That is absolutely incredible. While that right has now been established, we certainly have a very long way to go.

In conclusion, I want to commend the member for St. George again for introducing a measure that not only is obviously fair and will be of assistance to women who are seeking public office, but also raises the bigger question of trying to establish the kind of attitudes and the kind of atmosphere in which women will be encouraged to participate.

While she is right on the figures with respect to the number of women who came forward as candidates and the number who were successful, part of the reason for there not being greater success is that all parties have been guilty in the past of allowing women to be candidates mostly—not entirely, but mostly—only in those ridings that were not winnable. How often have parties, including my own, come forward and said, “Our priority is to have good women candidates in those ridings that are winnable for the party”? There are a few exceptions, but basically women who came forward to stand as candidates ended up in ridings where the party really did not have much of a chance of winning. That is why, although there were 40 or 50 women



candidates, only six were successful. It is one of the reasons.

**10:30**

Again, I am very appreciative of the member bringing the bill forward. I hope the government will see fit to make sure this bill is passed before Christmas, so that if we have an election next year, which many are anticipating, this bill will be of some help, especially to women candidates, but also, perhaps as the member mentioned, to some single-parent fathers who would like to run as candidates and would appreciate child care being an allowable expense.

**Ms. Bryden:** On a point of privilege, Mr. Speaker: I point out that of the 10 women in the House, four are present here this morning. That is a greater percentage than the number of male members of the House here.

**Mr. Speaker:** That is not a point of privilege. The member for Oriole.

**Ms. Caplan:** I rise in this private members' debate to discuss, perhaps in a broader context, the issues that have been raised by the member for St. George. Since we will be discussing the Election Finances Act in the not-too-distant future, I believe it is important now to discuss a little bit of the history of that act in Ontario and the changes that are being proposed for that act in the future.

The history in Ontario has been that, to date, election expenses, costs and fund-raising, all of which are covered by that act, were handled very differently from the federal act. In the federal act, there was a limit on how much a candidate could spend during an election in each riding constituency, but there was no limit on how much could be raised.

In Ontario, there was the opposite. There was a limit on how much could be raised and contributed on an individual level and on a corporate level, but there was no limit on how much could be spent during an election by an individual candidate in the riding. What we are seeing in Ontario is a fundamental change in that act. The change will reflect the fact that there will be spending limits for the first time in all constituencies in this province based upon calculated population figures. This will ensure a fairness within ridings and ensure that excessive amounts of money are not spent during campaign periods.

I think we should discuss as well for a moment the process of those amendments, how they have come about and how that new act will be before this Legislature in the not-too-distant future.

Rather than just the government making those decisions, there was a decision to have an all-party, ad hoc committee sit down to discuss election finances reform, which is really what this is all about. I think the process has worked extremely well. Involved in that process, as well, has been the Commission on Election Contributions and Expenses and its recommendations.

One of the things the commission has been wrestling with is what are partisan and nonpartisan campaign expenses, what would be of benefit to the candidate and what would be of benefit to encourage candidates in a nonpartisan sense.

While this particular issue before us this morning is one of child care, there are other issues that commission is discussing at this time. Reforms will be brought forward that I believe will remove some of those barriers, not only that of child care. Many people may not know that many candidates must leave their gainful employment during the campaign period and not have any salary with which to feed their family. The suggestion is—and this would benefit men and women—that during the campaign period, salary should be permitted as a nonelection expense for those who are not rich, for those who cannot afford to leave their job and take an extended leave of absence for the 37 days of the campaign period.

There are many other barriers. Why are we doing this? It is to encourage as wide a participation in this Legislative Assembly as possible, not to exclude people because of financial circumstances, because of a mortgage they have to pay or because they have children who have to be fed.

I also take issue with the view that child care will be of specific benefit to women. While it will be helpful because of the knowledge and understanding that this was the traditional woman's role in the family, I believe that has changed and that in many families there is a sharing, as parents, of caring and nurturing. I do not see child care as strictly a women's issue. It is a parenting issue and a societal issue.

Child care expenses, which will not be considered campaign expenses because they are nonpartisan expenses, will be of benefit to both male and female candidates to make sure that during the campaign period children are cared for in an atmosphere where both parents may be participating in the campaign, because that often happens. Whether the candidate is male or female, the other partner or other spouse may want to participate during the campaign. We have come to a point in this Legislature in 1986



where we recognize that child care is an issue for men and women and not just for single women or single parents, male or female.

I believe the election expenses act that will be coming forward with the full support of the government will go further than what the member for St. George has suggested, in looking at the barriers to candidates from all walks of life entering the arena to participate in this great democratic process. Child care is just one, but a very important one of these. I believe there has been all-party agreement that it is a nonpartisan expense that should be recognized in the act. It will particularly encourage women to run as candidates by recognizing that fact, but it will be of equal benefit to men who want to ensure that during the campaign period there is support in the household and that a double burden is not placed on their spouses for child care, as it has been in the past.

We in this House have a responsibility for the formation of legislation that will remove barriers to all in our society. Our act must reflect that. Whenever we make a fundamental change in the way our campaigns are funded and run, we have to look at the implications for our society to ensure that this Legislature reflects our entire population.

Almost every day, when I enter this Legislature and walk up the great staircase, I look at the picture of the Fathers of Confederation staring down on me and I think of what Ontario and Canada were like in 1867 at the time of the Fathers of Confederation. Whenever I have a school group visit this Legislature, I point it out to them. I say: "In 1867, that was a reflection of Ontario and Canada at the time. The people in that picture are unique. They are all men. This reflects the reality that women did not have the vote at that time. They are all white. This reflects the difference of our society and how Ontario has changed."

This is another step in ensuring that we as legislators do what we can to encourage the participation and successful election to this Legislature of individuals from every segment of our society, so that we do not have a Legislature that does not reflect our society, one that says, "Because you have to work for a living and you are not rich, you cannot afford to take time off from work to run." That would inhibit and be a barrier to participation. We want one that says, "During the campaign period, we recognize your family's needs and household responsibilities, whether male or female."

Our society has changed and many men are accepting responsibility as full parents in the running of households. I do not want to diminish that. By placing a child care provision in the act, I do not think we will be doing anything other than recognizing the reality that exists today, which is that families share parenting and child care responsibilities. It will not be of partisan benefit to any one candidate, nor will it be of sexist benefit to any one candidate. All it will do is remove yet another barrier to segments of our society to allow them to participate fully in this process.

**10:40**

With the all-party support that has been occurring on the committee, there has been full caucus consultation. I believe the amendments to the act that will be coming forward very shortly—I hope before the end of the year, but certainly before the next election—will reflect those kinds of changes to make sure that in Ontario the Election Finances Act reflects our society as it is today, reflects the strong family values that we have and reflects the desire to encourage participation in this Legislature by people from all walks of life, people new to this country, people who perhaps do not have the resources or the background of the Fathers of Confederation, those who today have child care responsibilities.

I believe this amendment today is deserving of support.

**Mr. Gillies:** I am very pleased to join in the debate on the very worthwhile motion put forward by my colleague the member for St. George and to indicate my wholehearted support for it.

Some years ago, before my election to this chamber, I participated as a member of a task force that was set up by Premier Davis within the Conservative Party to look at the role of women within our party, and I guess implicitly the role of women within the political system within our province, and to see what we might be able to do to encourage more women to assume senior responsibilities within our political system and within our party, to run as candidates and to serve as members in this chamber.

That was, as I recall, back around 1978. Our party has since had another major initiative, chaired by Jane Pepino, representative of women and members of our party from across the province to look again, at the mid-point of the 1980s, at this very vital issue.

What bothers me somewhat is that some 10 years after that original study, in which I

participated, I am not sure that the amount of progress has been made that should have been made. When I say that, I guess I am implicitly critical of my own party. I would not want to suggest for a moment that I believe we lag in any respect with regard to women's full participation in our part of the political spectrum as compared to either of the other two parties. I do not believe that to be case.

Regardless of some rather unfortunate and misleading headlines arising out of our party's annual meeting in Hamilton, women are as fully represented in the executive chambers and in the decision-making bodies of our party, easily as influential both in numbers and in talent as they are in either of the other two parties participating in the political process in this province. But having said that, I really think none of us is doing enough and none of us is doing well enough.

When I was first elected to this chamber some six years ago, as we walked in and took our seats along the back row of that side of the House at the time—I see my friend the member for Haldimand-Norfolk (Mr. G. I. Miller) smiling at that; I understand that—we looked at this sea of male faces and saw a sprinkling of women. Here we are in 1986, and it is really not very different. Women are shamelessly underrepresented in this chamber, because I happen to believe they face a number of obstacles that we do not face who run as males to be members in this assembly.

First, there is the phenomenon, which I believe again is common to all three parties, that in all too many cases women are offered as candidates in seats that are not considered to be winnable. In other words, in a mad scramble to offer women as candidates for this Legislature, all too often the party hierarchies offer up numbers of female candidates, because that is great public relations at election time; but all too often, if one looks at the statistics, the women are offered as candidates in ridings that are not considered easily winnable for those respective parties.

This is not a record of which we who participate in the system in this province should be proud—not at all. Women make up 51 per cent of the population of our province. The day should come, in my estimation, when women should be half the candidates, and they should be running without prejudice to their chances of victory or the type of riding in which they are offering themselves for nomination or election.

They should be equally represented across the province, in urban and rural ridings, where there are excellent chances of any one of the parties

taking the seat and where there are not. That would be only fair and just. That is the day when we can say that women have reached a position of true equality within our political system. Ultimately, we are looking at a day when half the members of this chamber will be women, which would be a step forward.

I was on a platform last night in my own riding for a very important announcement with two fine ministers, the Minister of Communications for Canada, the Honourable Flora MacDonald, and the Ontario Minister of Citizenship and Culture (Ms. Munro). I said to the men present at that assemblage that I had long advocated equality of women within our political system, but I did not know they were going to overtake us so soon.

Some of the finest people participating and having some of the greatest contributions to make in our political system are women, and we all know it. I will add parenthetically that the women elected in politics in Canada are often person for person and pound for pound more talented, because it is that much harder for them to get in. Almost without exception, the women participating in our system are first-class, dedicated and articulate people.

All this brings me to the bill being proposed by my colleague, the member for St. George. For all the right reasons, this assembly has moved in the direction of limiting campaign expenses at election time. We could discuss the reasons at some length, but I believe we all share the goals. A person's ability to be elected to this chamber should not be determined by his ability to raise outlandish amounts of cash.

People of all means, backgrounds and professions and with any number of types of organization should be able to run credible campaigns and have a good crack at being elected to this chamber. For this reason, limits have been put on spending at election time so that, as much as possible, we can put people on a relatively equal footing, come the beginning of a provincial election.

The problem with that very good initiative is that women candidates who want to offer themselves and whose husbands are working—I never thought we would hear the day we would have to say that—have an increasing need for child care so that they can campaign and fulfil their other responsibilities as a candidate and know their children are being well cared for.

Under the act as it is now structured, those expenses have to be declared as an election expense. With the motion being put forward by my colleague the member for St. George that will



change. It has to change because, inadvertently, with our election reforms, we have created another barrier to mothers offering themselves as candidates for this chamber.

I am sure it was not the intent of the drafters of the election expenses legislation that this be the case. It was not our intent that this happened, but it is a possible ramification. By adopting Bill 153, we can ensure that women can take care of their child care expenses during the 37 days of a provincial election campaign without regard to having to be under the spending limits prescribed by law.

This is one of those bills that can be supported by every member of the assembly in good faith, with the knowledge that it is a good reform, not partisan by any means and not particularly controversial.

With that in mind, it would be my sincere hope that this bill will pass the assembly today and will then proceed, if necessary, to committee and to third reading. It happens all too seldom that this is the case with a private member's bill, although we have seen a couple of encouraging examples of late. Perhaps we should add this very worthy motion to those examples of an initiative made by a private member that becomes the law of Ontario.

10:50

**Ms. Gigantes:** I rise, like my colleague before me, to support this resolution placed by the member for St. George, and I do so with just a few personal comments.

The way the member for St. George has expressed her concerns in putting forward this amendment is quite correct. One knows even without reading a lot of academic studies that women who are being elected to our parliaments at the provincial and federal levels are women who either have not had children yet or whose children have grown.

Over the last 10 years, we have certainly seen women participating and providing real and fresh leadership at local levels of the government. I think particularly of the area from which I come, Ottawa-Carleton, where in both the municipal field and the school board field women have provided great community leadership over the last 10 to 15 years.

We know women are not seeking election to provincial and federal office very often when they are in the age group where they have young children at home. I have talked to women who have been thinking about running provincially and federally over the last few weeks and months who have young children. I know very well the

kind of struggle they go through in their own minds about what it would mean, first of all to their families, to go through five or six weeks of very intense campaigning and organizing for the care of children during that period, and then the thought also of what happens if one is elected, where the necessity for child care arrangements of a great deal of complexity becomes really obvious and very important to families.

As a person who myself sought election back in 1974 and was elected in 1975, I know the choices one faces as a candidate who is the mother of a small child are very harsh choices. In fact, in my own situation, because I had been an employee of a crown corporation, the CBC, I was forced, in seeking the nomination in 1975, to quit my job and wait out the months to the election with no major sources of income available to me and my young daughter.

I had to rely on personal loans from friends and on cash in the meagre amount of a pension I had built up by being a member of the Alliance of Canadian Cinema, Television and Radio Artists—and believe me, it was not very much. I also had to depend on the principle that was expressed by members of the Carleton East New Democratic Party riding association, that a candidate who was a woman who was in a situation where child care expenses and living expenses were a major problem should receive support from the constituency association.

The members of that group many years back really gave in practice an example of the kind of forward motion that we are looking for when we support this resolution here today. We want to be able to say to men and women in this province, "If you have children, perhaps there is even more reason we would like to see you elected." Very often members of this House may feel that we grow distant from our families, our friends and the ridings we represent because we are forced to be away for many days of many weeks of many years. It is awfully important to members of this Legislature to have a sense that families are well cared for and that children are well cared for.

For women to be able to feel that and to feel they are welcome as candidates and members of this Legislature, we have to make special provision, as this motion calls on us to do, to indicate to women that there has to be and will be extra support, extra consideration and extra help in a very tangible way if they are going to be candidates and go on to be elected representatives of this Legislature.

In a way that has particularly to do with our political structures, this motion expresses the



kinds of thoughts and feelings society is coming to very slowly—much too slowly—on a number of issues that affect women, women and children in the family setting, and the role of women in society in the larger sense. The very least we can do is to support this motion and hope for amendments to our election expenses legislation.

We all owe the member for St. George a thank-you for having initiated this motion. We also owe her a commitment that we will support this initiative on behalf of a new view of the place of women, of the place of women and children and of the place of families in our society.

**Ms. Fish:** To reiterate briefly, the language of the bill is gender neutral; so it does apply to all candidates, whether men or women, with children to provide child care expense support.

Within our society, the principal responsibility for child care continues in the main to be that of women. If this amendment is adopted, as I am pleased to feel it will be, it will clearly provide additional incentive, support and encouragement to women.

As my colleague the member for Ottawa Centre (Ms. Gigantes) has indicated, it sounds a clear signal that we value considerably the importance of having in this House people who have families and who have responsibility directly for their future.

#### AUTOMOBILE INSURANCE

Mr. Swart moved resolution 68:

That in the opinion of this House, recognizing the massive problems that exist in Ontario's auto insurance system, namely, excessive premiums and escalating rates generally; good young male drivers paying three to five times average rates; all drivers in a household penalized for one driver's record; new drivers of any age paying penalty rates; the growing number of uninsured drivers in Ontario; arbitrary cancellation of insurance or massive premium increases for frivolous reasons, and inadequate or nonexistent no-fault compensation, and, recognizing that the Slater commission has failed to propose recommendations to resolve these problems and, in particular, failed to investigate and report on the financial and other benefits of the public auto insurance plans as practised in Manitoba, Saskatchewan and British Columbia; and recognizing that Mr. Justice Coulter Osborne has not been instructed to make any in-depth investigation and report on those plans either, the government of Ontario should appoint immediately a respected firm of financial and accounting consultants (like Woods Gordon, who did the previous study in

1978) to make a comprehensive study and comparison of the rates and policies of the western public plans with those of Ontario so that the public of this province know the true facts concerning a major auto insurance alternative which could be made available to the people of this province.

**11:00**

**Mr. Swart:** I would move that in the opinion of this House, recognizing the massive problems that exist in Ontario's auto insurance system, namely, excessive premiums and escalating rates generally; good young male drivers paying three to five times average rates; all drivers in a household penalized for one driver's record; new drivers of any age paying penalty rates; the growing number of uninsured drivers in Ontario; arbitrary cancellation of insurance or massive premium increases for frivolous reasons; and inadequate or nonexistent no-fault compensation; and recognizing that the Slater commission has failed to propose recommendations to resolve these problems and, in particular, failed to investigate and report on the financial and other benefits of the public auto insurance plans as practised in Manitoba, Saskatchewan and British Columbia; and recognizing that Mr. Justice Coulter Osborne has not been instructed to make any in-depth investigation and report on those plans either, the government of Ontario should appoint immediately a respected firm of financial and accounting consultants (like Woods Gordon, who did the previous study in 1978) to make a comprehensive study and comparison of the rates and policies of the western public insurance plans with those of Ontario and report within four months so that the public of this province know the true facts concerning a major auto insurance alternative which could be made available to the people of this province.

**Mr. Speaker:** I noticed there were some changes in the wording. Did you mean that to be?

**Mr. Swart:** You are correct, Mr. Speaker; I made a few minor changes in the wording.

**Mr. Speaker:** The member has moved notice of motion 68. He has up to 20 minutes and he may reserve any of that time for the windup of the debate.

**Mr. Swart:** I doubt that the ballot item I have before the House will be accepted quite as unanimously as the previous one has been, but it may well be and it should be.

This party and I personally attach significant importance to the issue of insurance before us. There is no question that it is an important issue

to the bulk, if not all, of the people in this province. It is a \$3-billion issue annually. The present insurance crisis is damaging a lot of people and businesses in our society. The problem is not lessening; it is getting worse.

The Financial Post recently reported that since 1985 the cost of auto insurance has increased 19 per cent. It said, "When the dust settles next year, the average rate will be about 38 per cent above the 1985 level."

**Mr. Offer:** I am sorry to interrupt, but I notice the clock is not running. Is that a malfunction?

**Mr. Swart:** I am sure the Speaker has a watch and will watch the time very closely.

The insurance crisis is substantially changing our way of life. It is a matter that must be dealt with in our society. It is not being dealt with and has not been dealt with since this crisis started in the spring of 1985.

In addition to the do-nothing attitude of the Minister of Financial Institutions (Mr. Kwinter) in resolving the problem is his slavish adherence to the insurance industry and his real desire not to know what is taking place. He has been questioned in the House repeatedly from the beginning and asked questions such as: "How much have the rates increased? Are those kinds of increases justified?" He simply does not know. He does not answer the questions. To this day, he does not know. He does not know how many people are driving without insurance.

The other day, when my colleague the member for Algoma (Mr. Wildman) brought up the case of a tavern owner who could not get insurance and did not have insurance, the minister said he did not know of a tavern owner in Ontario who did not have insurance. When I talked to the executive director of the Ontario Hotel and Motel Association, he told me that fully one third of all the tavern owners in this province are operating without insurance.

When it comes to insurance, this minister is the minister of ignorance. He will say he has appointed the Slater commission to investigate and now the Osborne commission, but it is worth noting that they were not representative of the public in this province. They were not asked to investigate rates in other jurisdictions and other systems compared to Ontario. They did not even go outside Toronto. They were not and are not charged with getting the full and comprehensive information. In fact, their main purpose is to stall and to bring in the kind of report the minister wants.

It is something like the Ontario Advisory Committee on Liquor Regulations, where he

appoints his own parliamentary assistant as the chairman and the members of the Liquor Licence Board of Ontario and the Liquor Control Board of Ontario, rather than having representatives of the people of this province.

It is not that the minister does not know because he has a low IQ; it is simply that he does not want to know. There are none so blind as those who will not see, and he really does not want to see. He blindly follows the philosophy and the wishes of the insurance companies.

In no case is this more apparent than in his refusal over and over again to look at the real alternative of public auto insurance and public insurance generally as practised by the governments of Saskatchewan, Manitoba and British Columbia, even though the overwhelming bulk of the studies show that the insurance system of those provinces is far superior to our system in this province. In fact, it has been so superior that the successive Liberal, Conservative and Social Credit governments have not only kept those plans almost intact, but have also praised them as being of great benefit to the people of those provinces.

I may be slightly incorrect in saying the minister does not want to know about the advantages of those plans. He already knows. He wants the public of Ontario not to know the advantages of those plans. That is why we have this resolution before us today. It is the reason this resolution has been changed. Members of this House, particularly the Speaker, will know that my original resolution called for the implementation of public auto insurance in this province by January 1, 1988. I know the philosophy of the government of this province. I know the philosophy of the people on our right.

**Mr. Warner:** They are both the same.

**Mr. Swart:** They are both the same.

I know that resolution would not pass, but it seemed reasonable that if I brought in a resolution just asking for this full, independent, in-depth investigation, even the most right-wing people in the Liberal and Conservative parties would at least want to know. Therefore, I have changed the resolution to ask only for the investigation, to bring out the full facts in the comparison between the public auto insurance system and the system we have in this province. Frankly, I would sooner debate the merits of the system, but I think this resolution, for the purpose of this House with the complexion of this House, is more appropriate.

I do not want the minister or his spokesperson, his parliamentary assistant, who I assume will be



answering this because the minister is not here—the fact the minister is not here is an indication of his indifference to the massive problem of insurance that is faced by the people of this province.

**Mr. Pierce:** Mr. Speaker, on a point of order: I think a bill of this importance requires the attention of the government. At present, only two government members are in the House.

**The Deputy Speaker:** This is private members' hour. We are cutting into the time of the member for Welland-Thorold.

**Mr. Swart:** Mr. Speaker, could you tell me whether that time is correct or whether it is somewhat shorter than that?

**The Deputy Speaker:** Yes. That is correct.

**Mr. Swart:** Let not the minister or his parliamentary assistant get up here today and say Mr. Slater did that comparison. The facts are that he did not look at it in depth. If either one of them gets up and says that, he should point out to me where in his report he shows a comparison of the rates and the policies.

It is not going to be done by Mr. Justice Osborne either, because he has not been directed to make that in-depth study. The parliamentary assistant may get up and say that, according to his terms of reference, he is supposed to look at private versus public delivery of a no-fault system of automobile insurance, but we know very well that does not direct him to make the in-depth comparison.

**11:10**

In fact, Mr. Slater had the same direction and he did not do it. Therefore, Mr. Justice Osborne is not going to do it either. The reason is that the government over on the other side does not want that kind of comparison. It would love to have something like the Slater report, which, incidentally, says this about the public plans that Government insurance companies in Canada have been well run:

"When not overburdened by social missions and unreasonable restraint on their premium rates by their masters, they have been quite efficient. They have all been efficient performers in recent years. They have also managed to achieve a few social goals as well as provide good-quality insurance services.

"The insurance companies have managed to put a little more of the revenue dollar into claim payments than, on average, private insurers have in Ontario, but the advantage is not much."

However, he never quantified it. He brushed it off with that kind of terminology.

The people of this province ought to have the right to know the full details as provided by an independent, competent and philosophically unbiased financial accounting firm, such as Woods Gordon, of the public plans in those three western provinces versus the private plans here. What is wrong with having the 1978 report updated? Do we not want to know the contrasts in administration costs among the western plans, the public plans and the private plans? Why do we not want to know the contrasts in the costs of claims settlements? Why do we not want to know the full comparison of the rates between the public plans and the private system here? The people of this province ought to have the right to know and not be misled by the insurance people of this province.

I want to point out to this House one of the most blatant demonstrations of distortion that I have seen in a long time. I have in my possession a copy of a letter dated August 5, 1986, signed by the general manager of the Facility Association—that is the organization composed of all the major insurance companies—D. D. McKay, and sent to Brian Crowe, president of the Ontario Motor Coach Association. I quote verbatim page 3, where Mr. McKay refers to the British Columbia public plan:

"I was interested in the quote that was attributed to you." I break in here to say that it was a quote in the *Globe and Mail* attributed to Brian Crowe, when he asked that they have a public insurance plan in this province, as they have in British Columbia. Then Mr. McKay goes on to make that quote from his letter:

"We are told by people out there in BC that the system does not lose money. So if it is no drain on taxpayers' money, why should we not have the same system in Ontario?"

That was Brian Crowe speaking. Here is what Mr. McKay says:

"I am not sure what people told you that the system does not lose money, but starting in 1985, the following figures will indicate the loss suffered by the Insurance Corporation of British Columbia—Auto Plan: 1981, \$101,937,769 lost; 1982, \$108,891,265 lost; 1983, \$97,505,000 lost; 1984, \$118,468,000 lost; 1985, \$84,823,000 lost," for a total loss, according to Mr. McKay, of \$522 million for the British Columbia auto insurance plan in the last five years.

Then he goes on to say:

"I have no idea who your source of information was in BC., however, you may quote the figures that I have mentioned above to them as



they are accurate. They are provided by the provincial government to the Canadian Underwriters' Statistical issue. We find it very unfortunate that so much unsubstantiated information should be made public through the media as, generally speaking, the facts are available, they are usually less dramatic and not particularly newsworthy, and may be of little interest to the public."

**Mr. Pierce:** On a point of order, Mr. Speaker: I apologize to the presenter, but I brought to the attention of the House once that there were two members of the government in the House and the number has now swelled to three. We are dealing with a very important private members' bill, and I think it deserves more attention than it is getting from the government. I request that you call a quorum.

The Deputy Speaker ordered the bells rung.

11:17

**The Deputy Speaker:** Carry on, the member for Welland-Thorold.

**Mr. Swart:** Mr. Speaker, I regret we lost this time right in the middle of my giving some very valuable information. I was reading part of the letter of D. D. McKay, the general manager of the Facility Association, one of the top insurance people in this province. "Obviously, Mr. Crowe was perturbed when he got that letter showing a loss of almost \$512 million in the B.C. plan over the last five years."

That is after he had asked for a similar plan in this province. To continue my quote from the letter:

"He took further steps to check the accuracy—, directly with British Columbia, with Manitoba and with me. Contrary to Mr. McKay's statement he "found that the Canadian Underwriters Statistical Issue of May, 1986 showed.... "the following net profit for the B.C. plan: 1981, \$616,000; 1982, \$3.2 million; 1983, \$5,611,000; 1984, \$9,564,000; 1985, \$73,562,000; for a total five-year profit of \$92,553,000—," when Mr. McKay had said the loss was \$522 million.

"Simply, Mr. McKay had done was use the underwriting income figures before the Insurance Corp. of British Columbia investment income had been applied. That is more than just giving misleading information. That is deliberate distortion. It is noteworthy, too, that a copy of Mr. McKay's letter went to Mr. John Weir, the Superintendent of Insurance for Ontario; Mr. John Lyndon, President of the Insurance Bureau of Canada and Mr. J. B. Nixon, Special Assistant to the Honourable Monte Kwinter, Minister of

Consumer and Commercial Relations and none of them took the trouble to correct it.

"If a public official provided that kind of false information and did not correct it, he would be required to resign and that is exactly what Mr. McKay should do.

"Those unsavoury tactics are not just confined to officials of the insurance companies either. Mr. Kwinter, in defending the increasing rates by the insurance companies, said to me in the House on October 14...."In the latest figures available for 1985, for every dollar of premium that was taken in on automobile insurance, \$1.31 was paid out in claims." That statement is factually incorrect. The \$1.31 mentioned was not just for claims, but a substantial share was used for expenses in settling those claims. In addition to that, the contrast was misleading because on top of the \$1 income for premiums was the huge investment income of many hundreds of millions of dollars received by the insurance companies.

"Apart from the distasteful ethics that is demonstrated by these statements and many other similar statements, it shows the desperation of the defenders of an insurance system that is indefensible and their own recognition that the public auto insurance systems of the three western provinces are far superior to those in Ontario."

I realize it would be embarrassing for the minister if we had this accurate comparison. In his view, a little knowledge is a dangerous thing. In the spring, the member for Kenora (Mr. Bernier) asked on his questionnaire whether his constituents would like to have insurance like that in Manitoba. In his Conservative riding, a Conservative member found that 80 per cent of the people wanted public auto insurance.

This government has self-righteously pounded its chest about the right to know, that we should have freedom of information. It was even invoked last night by the member speaking on rent review. That is what this resolution is all about, about freedom of information so that the people of Ontario know the difference between the public plans in the west and the system in Ontario that has broken down.

**Mr. Offer:** I am pleased to join in this debate. I regret the member for Welland-Thorold lost some valuable time in once more indicating his concerns with respect to the insurance question. Second, I regret there was a change in his private member's notice of motion without informing all the members of the House so that those who wished to refer and comment on that motion did

not, will not and have not had the opportunity of proper notice.

This is the third time I have risen with respect to concerns about insurance posed by the member for Welland-Thorold. I realize there are very important trilogies in many different areas. The trilogy provided by the member for Welland-Thorold is one more important trilogy, but it is more akin to Curly, Larry and Moe.

I would like to comment specifically on the resolution proposed by the member. In particular, he indicates that "the Slater commission has failed to propose recommendations to resolve the problems and, in particular, failed to investigate and report," among other things.

The Slater task force provided 98 recommendations. There was an intensive work period. There was a determination and commitment on behalf not only of the chairman, but also of all who were involved in that task force in addressing the problems surrounding the insurance industry and making recommendations to the government.

Far from being a failure, the Slater task force provided an important and necessary addressing of problems and concerns. It was a success not only in meeting its mandate within its time-period limitations, but also in its honesty in addressing the problems and concerns of people surrounding the insurance industry. Therefore, I take great exception to the member for Welland-Thorold's attacking that commission and all who had a part to play in it and the very good work they did.

There is no question that the recommendation of the Slater task force that received the most interest is that which called for some form of no-fault insurance. Dr. Slater specifically recommended that the province move to a no-fault or partial no-fault insurance system to be delivered through private insurance companies and not through the government. The main reason for this recommendation was the concern of the task force with the longer-term implications for the equity, efficiency and affordability of the present system and the steady increase in average settlements and awards for bodily injury.

It is not surprising that Dr. Slater's no-fault automobile insurance recommendation received substantial but mixed responses from various interest groups throughout this province. Notwithstanding the various and mixed responses, one thing was certain and there was consensus. Virtually everyone indicated that more information is required before we move in a responsible manner towards the recommendation indicated

in the Slater task force. Virtually everyone except the member for Welland-Thorold feels that more information is needed and that more questions should be asked about the impact of the recommendation in the Slater task force before we can responsibly move in that direction. I believe that is a responsible response to that recommendation.

The second point raised in the notice of motion is that "Mr. Justice Coulter Osborne has not been instructed to make any in-depth investigation and report on" plans with respect to no-fault insurance. The member for Welland-Thorold has once more indicated in his trilogy that the implementation of the Osborne commission will not be addressing questions. I believe he has even used today words to the effect that the people of this province will not know the true facts, in the opinion of the member for Welland-Thorold.

I think we should go through what Mr. Justice Osborne has been mandated to look into because the member for Welland-Thorold somewhat neglected to indicate it. He will be considering and reporting on "the adequacy, timeliness and fairness of compensation to accident victims under the present tort system." He will be commenting on "the effectiveness of the tort system as a deterrent in compensation mechanisms" and on "the implications of removing tort liability as a basis for compensation in automobile accidents and replacing it with a no-fault system."

He will be commenting on "the cost savings and effectiveness of a no-fault system for compensation for claims arising out of automobile accidents; the appropriate design of a no-fault automobile insurance system for Ontario, including the effectiveness of deterrence in a no-fault system; the effectiveness of rating systems related to driver performance and standards for ratings under such a no-fault automobile insurance system; the desirability of a modified no-fault system with some form of threshold at which recourse to the tort system would be allowed; the basis for determining compensation for injury or death in a no-fault system; dispute resolution and appeal processes for claims in a no-fault system; the need in a no-fault system for a catastrophic claims fund or pooling mechanism to protect small insurers; private versus public delivery of a no-fault system of automobile insurance, and the role of government in any proposed no-fault system."

The member for Welland-Thorold apparently understands and has the answers to all these questions. The people of the province want to



know these answers. Mr. Justice Coulter Osborne in his commission is going to address these questions properly and provide answers to these concerns, notwithstanding the rantings and ravings of the member for Welland-Thorold.

11:30

The third point in the notice of motion talks about appointing "immediately a respected firm of financial and accounting consultants (like Woods Gordon, who did the previous study in 1978)." It appears the member for Welland-Thorold is disappointed that his friends at Woods Gordon have not been commissioned to conduct the study.

I point out to the House, and in particular to the member, that Woods Gordon will still have a chance. As the Minister of Financial Institutions stated in his announcement of the task force, Mr. Justice Osborne may request any additional powers or resources necessary to carry out his duties and functions. Thus, there is still a chance that the friends of the member for Welland-Thorold may be able to make input, but only if Mr. Justice Osborne believes and feels such input is necessary and warranted.

We cannot repair the system by adopting another province's solution. It would be like transplanting blindly the Rocky Mountains on the Niagara Escarpment. What we can do is learn from the experience of other jurisdictions that have different systems, and that means delving into their weaknesses as well as their strengths. We are not looking for merely a better system of auto insurance. We want the best, because that is what the people of this province both desire and deserve, and the Osborne commission will take us a long way to providing that to the people of this province.

**Mr. Sheppard:** It is with pleasure that I rise to speak on the resolution of the member for Welland-Thorold today. I am certain that we are all concerned about the current problems regarding insurance coverage. We have all been affected by them in one way or another, either personally or through constituents.

The rising cost of auto insurance can be attributed to several factors: (1) more claims are being made; (2) the cost of accidents is increasing via car repairs, material and parts, and newer cars are also harder to fix; and (3) court awards for personal injuries are increasing at an alarming rate.

Ironically enough, it is not those multimillion-dollar claims that we sometimes read about that are the real problem. The concern lies with the average claim—for example, the fender-bender—

where the level of awards has been steadily increasing. People have a tendency to use these reported multimillion-dollar awards as a justification for increasing premiums. People read about these huge claims and feel they too are entitled to more. Society has become engrossed in an attitude of entitlement, if you wish.

It is foolish, however, to blame the entire crisis on people and their lawyers. Naturally, people who pay regular insurance premiums feel they are entitled to a fair and just compensation when they suffer a loss. It is essential, however, that society in general, and the consumer in particular, receive and understand the basic message that a more generous civil justice system has to be paid for.

Another part of the problem is that of reinsurance. Some reinsurers are treating the North American market as a whole. This attitude has been unfair to Canada because we have a very different tort system and, generally, we have not seen the types of claims, along with astronomical awards, that have been seen in the United States. It is perceived that if changes can be brought about to our tort system, this would allow insurance companies to price their products more accurately.

I am not in favour of government insurance as such, but there are other means by which we can do our part to alleviate the insurance crisis. One method is to restrict or lower the size of these astronomical awards. One option to consider is to impose a certain dollar limit on personal-injury lawsuits. This would ensure a more stable environment for industry to predict the future and to price its products. Furthermore, amendments could be made to the Courts of Justice Act to allow awards for serious injuries to be distributed via annuities as opposed to one lump sum. This method could prove advantageous in several forms.

To begin with, tax on future care costs would be eliminated. Second, the number of false claims would most likely decrease. For example, if an injured person who had received a long-term annuity was discovered to be participating in physical activities contrary to his injuries, his annuity could be cancelled without recourse. Furthermore, because the payment would be in annuity form, the chances of a claimant losing his award through faulty investments and the chance of his blowing all his money would be eliminated.

For claims that result from bodily injuries arising from automobile accidents, some form of no-fault insurance should be implemented. This



method has advantages and disadvantages, which I will outline in a moment. The general public is ripe for such a proposal, provided it is run by a private insurer and not by the government. No-fault insurance offers reasonable costs to the consumer, as savings are achieved through the lack of litigation. Because there is no need to prove who is at fault, there are no lawyers or court fees. This type of insurance also offers adequate compensation to about 80 per cent to 90 per cent of the population, not to mention fast payment after proof of claim.

The mandatory no-fault compensation program referred to in the Slater task force on insurance would establish automatic coverage to such an extent that most people would not have to purchase additional insurance. As it is, more and more people are driving without adequate insurance, and some are driving without insurance at all.

One reason our tort system is so highly regarded, however, is that we have the freedom to sue and the right to have each claim individually appraised. With no-fault insurance, the right to sue is generally fortified. Additional coverage could be made available to allow victims to sue in the event of death, disfigurement or serious impairment of body functions. To most Ontarians, the right to sue and to receive more adequate compensation for those who are seriously injured remains vital. I am optimistic that this proposal will reduce the magnitude of awards presented in personal injury cases, while still allowing the plaintiff his right to compensation for losses and damage suffered.

While a schedule of payments would create the more stable market required for insurance companies, there is no guarantee at this time—

**Mr. Warner:** On a point of order: Does the chair see a quorum?

**The Deputy Speaker:** No, a quorum is not present.

The Deputy Speaker ordered the bells rung.

**11:39**

**Mr. Sheppard:** While a schedule of payments would create the more stable market required for insurance companies, there is no guarantee at this time that premiums would level off or be reduced. The key to stability in the insurance and reinsurance market, however, is predictability. In other words, if the insurance industry could accurately predict future claims at the time of pricing, we would not be faced with sudden increases of 600 per cent to 700 per cent per year.

As members of this House, we can assist the industry in creating a more stable market. As I mentioned earlier, there are no other means by which we can help alleviate the insurance crisis without taking over the industry as such. We could bring forth amendments to certain statutes to restrict and lower the size of awards currently being doled out.

The insurance industry is concerned with the recent legislation changes to the Family Law Act. This act could be amended to require that no eligible claimant shall be awarded damages for loss of guidance, care or companionship unless the loss of such amenities are shown to be serious or permanent. Let us know that to remove the right of family members to make a claim would be regressive, not to mention unacceptable. However, if these claims were limited to serious injury only, this would surely reduce amounts that insurance companies would have to pay.

Furthermore, amendments could be made to the Environmental Protection Act. The onus is on the little guy who cannot afford the insurance. The Pollution Liability Association insurance pool has thus far approved only limited coverage.

As I said earlier, the insurance industry has to be able to look into the future to price its product. This legislation only contributes to a climate of uncertainty and unpredictability.

There is no doubt the future holds its share of challenges and difficulties in the auto industry. More people are purchasing cars and travelling with them. As a result, bigger and better roads are being built. Car models themselves are changing and becoming more complex, yet not as heavy as they used to be. Repair costs are outrageous, and so are court awards.

The western provinces have government-run insurance. They operate a general insurance plan and an automobile insurance plan. Overall, they have been faced with continuing losses. I understand the British Columbia government is halting its involvement in public insurance and has transferred its general insurance plan back to the private sector.

We can help overcome these difficulties in the insurance sector, not by taking over with government-run insurance but by implementing legislative changes.

**Mr. Reville:** I am delighted to be speaking to this resolution, not just because it is an honour for me to be backing up the member for Welland-Thorold, who clearly knows more about this issue than either my friends on this side or those on the other side of the House. They should be

listening to him. He does not rant and rave; he tells the truth with firmness.

Since I know members are listening carefully to the debate, they will understand the reason this resolution should pass. If the member for Mississauga North (Mr. Offer) were to listen to his own remarks—he will probably read them tomorrow in Hansard—he would see why we should have the true facts concerning a major auto insurance alternative. If my colleague from the Progressive Conservative benches were to listen to his own remarks, which were riddled with inaccuracies, he too would want to support this resolution so he could learn the true story of a major auto insurance alternative.

It is not a problem of soaring repair costs or court awards, although some modest changes could be made on gross-ups. The New Democrats do not believe the tort system has caused this crisis in auto insurance. We believe the greed of the private insurance companies is causing this crisis.

Time and time again, we hear from the Minister of Financial Institutions that there is no crisis or that the crisis is in hand and one of his famous studies or commissions will solve the problem.

Every day, in many households across this province, somebody is suffering from the auto insurance crisis. At this moment, someone is driving very near the Legislature without insurance because he cannot afford the premium, and that is a very dangerous situation indeed. There are people whose insurance premiums have gone through the roof, through absolutely no fault of their own but because they happen to reside in the same dwelling with someone who has picked up a few points. They do not even drive the same car, but they are being penalized because of their association with someone who has his own car and has had an accident or has picked up some points. It is absurd that such a situation should occur. It is the responsibility of the government to intervene to make sure that intolerable situation ceases.

There are a number of truths the province should hear. Some of us have children who are approaching age 16. Some of us are lucky enough to have children who are past that age. Young drivers, particularly young male drivers, have been terribly penalized in this province. They get penalized before it is determined whether they are safe drivers. That is an absurd situation.

A study such as is proposed would determine that decreasing the rates for young drivers who

are safe drivers would not increase the rates for older drivers; that is one thing a study such as this would show. It is exceptionally important that a study such as this would show how the systems compare in their ability to ensure that everyone has insurance. Do we consider it appropriate that there may be as many 200,000 drivers on our roads with no insurance of any kind? What is the public cost of that? What is the percentage of uninsured drivers in those provinces that have public auto insurance? Are we not interested in knowing the answer to that question?

We would be able to determine from the study whether it is necessary to penalize every driver in a household for one driver's record. The study would show that. Parenthetically, the study might be able to deal with the old bogey of tort as a deterrent. I do not think you will find one tort lawyer in this province who believes tort law is somehow a deterrent to sloppy driving. People are not thinking about the possibility of being sued when they make an illegal left-hand turn. What they are thinking about is the possibility that they will be stopped by the police. They do not think about lawsuits. The notion that tort is a deterrent is one of the goofier notions that is abroad, and I am sorry to hear my colleagues in this Legislature using it.

We would find out from this study how appeal boards could work in a public auto insurance system; how, if you decide the bureaucracy has not dealt with you fairly, you would appeal it and what kind of mechanism would be in place and what your chances of justice would be under a system of public auto insurance.

Another thing we would like to find out has to do with a serious problem that happens every day and perhaps every hour of the business day: insurance companies arbitrarily cancelling contracts. They call up and say: "Guess what? It is gone." They leave you with no insurance. They leave you at the mercy of the Yellow Pages, trying to find an auto insurance company that will help manage the risk you are exposed to and ensure that people are not left uncompensated for any damage they might suffer.

It would satisfy once and for all the conflict about what the rates really would be. I believe the member for Welland-Thorold. If the government, in its championship of the private auto insurance industry, is so sure that its rates can stand up to the member for Welland-Thorold's rates, then why does it not vote for this resolution? There it will be, and they can say: "See? We have proved our point." They will find that the public auto insurance plan proposed by



the member for Welland-Thorold will lick the pants off any private auto insurance plan in the world.

**11:50**

I want the members to know that when an insured calls up about the public auto insurance plan and speaks to the member for Welland-Thorold, he will be well dealt with, if somewhat loudly. Those of us who have an office within a mile or two of the member for Welland-Thorold know he does not need modern technology to get his point across. Sometimes he is heard in Algoma. Sometimes he is heard in Rainy River. Wherever he is heard, they know that he means what he says and that what he says is right.

This Legislature should support this resolution proudly, strongly and firmly, so we can all know the truth about a very appropriate auto insurance alternative that works exceptionally well in parts of this country. We should not be nervous; neither should we be ashamed of importing from the west something that works well there.

I say "Shame on the member for Mississauga North" for suggesting we cannot learn from our brothers and sisters in the west. Of course we can. There is a kind of smugness in Ontario that has gone on far too long. It makes the rest of the country sometimes wonder whether we are not too smart for our own good here in Ontario. We have a lot to learn from the western provinces that have public auto insurance.

When this Legislature supports the resolution of the member for Welland-Thorold today, we will discover how much we have to learn.

**Mr. Knight:** The member for Riverdale (Mr. Reville) has commented on the other speakers. I hope he will stay in his place and listen to some further and more accurate comments on the resolution.

When I first read the resolution moved by the member for Welland-Thorold, I found it a little rambling and long-winded. I am not speaking about the member's speaking style; I am sure they are not connected in any way, shape or form. More specifically, the resolution is simplistic, shallow and misdirected and has error in fact. As was indicated by the member for Mississauga North, Mr. Justice Coulter Osborne has been asked to consider in his study private versus public delivery of the no-fault insurance system.

Also, Dr. Slater did make recommendations, contrary to what the member for Welland-Thorold indicated. I know the honourable member has the two-volume report by Dr. Slater. This is simply a condensation of the 15 pages of

recommendations that were made on many of the items the member has indicated in his preamble. Perhaps the member does not agree with those recommendations, but they were certainly made. I hope that in his closing remarks, the member will refer to those.

**Mr. Swart:** On a point of privilege, Mr. Speaker: I am being misquoted. I was not talking about recommendations; I was talking about an in-depth study with a detailed report.

**Mr. Speaker:** Order. The member may correct his own comments. He may disagree with the others.

**Mr. Knight:** The resolution says the Slater commission "has failed to propose recommendations to resolve these problems...."

The resolution deals with the symptoms of accessibility and affordability problems in the auto insurance industry, but it does not try to seek out the true causes of those problems. Instead, it suggests a solution that I suggest does not and would not stand the test of fact. It is a fact that underwriting costs, which are the basis for auto insurance premiums, are the same in whichever province one is in and would be the same whether or not insurance were delivered by private industry or by public industry.

The rating system is a factor of our compensation system and, perhaps more so, of the frequency and severity of the accidents that are the basis for the rates. It is different in Ontario from that in the western provinces. The frequency of accidents is a lot greater, as is the severity. This province has more truck traffic than any of the western provinces, which increases the insurance premiums, inasmuch as truck traffic and private passenger autos are carried by the same insurance companies.

The member for Welland-Thorold should get off his socialist hobby-horse. Instead of making a simplistic suggestion, he should make more responsible, proactive suggestions. In fact, he has been misreading the public. He is hearing what people are saying, but he is not understanding. He is hearing people talk about costs and about affordability. In answer to that, he offers a very simplistic solution. He simply says, "Public insurance is the answer." The public is saying yes, indeed, it is concerned about costs, but what it is talking about is also indicative of an underlying cause of our affordability and accessibility problems: social inflation, which is a societal problem and not an insurance problem.

The public is demanding a better compensation system arising out of our tort situations. We need stability. We need to even out the costs of



our compensation system, and we need to put a lid on the costs. This can be accomplished but not by the means of a public delivery system.

This government has been proactive in trying to make sure costs are being reduced. It has been a facilitator of industry-based insurance pools, such as the liability pools at the time the crisis was brought to our attention, and of reciprocal insurance exchanges, most recently the United States product liability insurance pool. We have brought in legislation to establish the Canadian Insurance Exchange, to expand the capacity of farm mutuals to write insurance and to provide a framework for Ontario's participation in a national compensation plan.

This government has instigated discussions with the federal government on the matter of gross-ups. It has called on the Ontario Law Reform Commission to expedite its examination of double recovery, prejudgement interest, gross-ups and the Family Law Act. We have been active in in-house consideration of Good Samaritan legislation and the limitation of actions on policies. We have asked the insurance industry to come up with a new rating classification study. We commissioned the Slater report, and we all know its recommendations. We have recognized the call for an investigation of whether no-fault insurance should be brought into play in Ontario and have asked Mr. Justice Osborne to report on that within a one-year period.

The answer to the accessibility and affordability problems of insurance in Ontario is not public insurance; it is in finding specific ways to bring stability and predictability to insurance and the reinsurance markets. This government is proceeding to do that.

**12:00**

#### ELECTION FINANCES AMENDMENT ACT

**Mr. Speaker:** Ms. Fish has moved second reading of Bill 153, An Act to amend the Election Finances Act.

Motion agreed to.

#### AUTOMOBILE INSURANCE

**Mr. Speaker:** On the next item, I must say a word or two to the members to clarify the resolution before the House. When the member

for Welland-Thorold (Mr. Swart) placed the resolution, I noted he added the word "insurance" on the third last line after "public." He also added the words "and report within four months."

I placed the motion stating that it was the member for Welland-Thorold's notice of motion 68, which he placed before the House and gave the proper two weeks' notice, according to the standing orders. I point out to all members that according to standing order 71(k), "No amendment may be made to a motion under this standing order."

Therefore, I am accepting the motion as printed in Votes and Proceedings, because that is the way it will be recorded in Votes and Proceedings. We will deal with notice of motion 68 as printed.

The House divided on Mr. Swart's resolution, which was agreed to on the following vote:

#### Ayes

Allen, Bernier, Bryden, Charlton, Cooke, D. S., Cousens, Dean, Fish, Gigantes, Gillies, Grande, Grier, Hayes, Henderson, Jackson, Johnston, R. F., Lane, Laughren, Mackenzie, Martel, McClellan, McFadden, McLean, Mitchell, Morin-Strom, Philip, Pierce, Pollock, Poulriot, Rae, Ramsay, Reville, Rowe, Runciman, Sargent, Sterling, Swart, Warner, Wildman.

#### Nays

Brandt, Callahan, Caplan, Conway, Fulton, Harris, Hart, Knight, Miller, G. I., Offer, Newman, Reyecraft, Sheppard, Smith, D. W., Smith, E. J., Sorbara, South, Wrye.

Ayes 39; nays 18.

#### ROYAL ASSENT

**Mr. Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to a certain bill in his chambers.

**Assistant Clerk:** The following is the title of the bill to which His Honour has assented:

Bill 51, An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes.

The House recessed at 12:11 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## VISITORS

**Mr. Speaker:** I ask all members of the assembly to join with me in recognizing in the Speaker's gallery a delegation from Shanghai in the People's Republic of China: the secretary-general of the Science and Technology Commission of the municipality of Shanghai, Shui Hailong; the director of the Science and Technology Centre of Exchange with Foreign Countries, Quian Yongming; the director of the Shanghai Light Industry Bureau, Shen Lianda; the interpretation staff member of the Shanghai Science and Technology Commission, He Yingwen; and the People's Republic of China consul general, Gu Mingda.

Please join me in welcoming our guests.

## MEMBERS' STATEMENTS

## SENIOR CITIZENS' SERVICES

**Mr. Dean:** Yesterday the Ontario Coalition of Senior Citizens' Organizations and the Ontario Coalition for Nursing Home Reform cosponsored an excellent public forum on the government's white paper on services for seniors, *A New Agenda*. Since neither the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne) nor his special adviser were able to join me in attending this event and did not see fit to send any other representative of the government, I want to take this opportunity to share with them some of the comments made.

The forum was held specifically to provide an opportunity for public response to *A New Agenda*. It is too bad the minister for seniors' affairs is not here, so I could tell him on behalf of the people who took the time to organize and attend this forum that the failure of his government to send a representative to listen to the discussion was a major disappointment. It forced the panellists to try to explain and defend this government's policies.

Those who attended had a lot they wanted to say to the minister about his white paper. They wanted to tell him they did not find it to be a new agenda at all, containing nothing that was innovative. They wanted to tell him that while the paper talks about co-ordinated services, they feel that services are still fragmented and issues are dealt with in isolation. They wanted to discuss with him the flaws they are finding in the

implementation of the integrated homemaker program. They had expected to be able to tell the minister that they feel there needs to be a minister for seniors' affairs with real clout and with control over spending, something he does not have now.

## TRANSMISSION LINE

**Ms. Gigantes:** I would like to express deep concern about Ontario Hydro's plans to route a 500,000-volt transmission line right through the middle of the community of Bridlewood in the city of Kanata. Three thousand people have written to the Premier (Mr. Peterson) objecting to this misguided route.

The route is totally inappropriate. Hydro plans to locate the line in the existing corridor, which is only 275 feet wide and far too narrow, even by Hydro's reckoning. The proposed 16-storey transmission towers would be in the centre of the community adjacent to homes, two large parks and a future school site, in violation of Hydro's own list of constraints. Hydro admits these massive, unsightly towers are "out of character with the community," and there is more and more medical evidence showing health effects on people living near a high-voltage line.

The proposed route of this line through Kanata was an arbitrary joint board decision of November 1985. The joint board rejected all the suggested routes. The route right through Bridlewood was not even discussed at the joint board hearings. The city and a local citizens' group appealed the joint board's decision, but cabinet upheld that decision in May.

A new and preferable alternative route to the proposed route now exists. In September, the regional municipality of Ottawa-Carleton approved an extension of Terry Fox Drive, which would be a much better route for the line.

Cabinet must reverse its decision to approve the joint board route, because it is a route that does not serve the best interests of the public. It is not too late for cabinet to go back on its ill-considered decision. Construction on the line has not begun and the survival of a thriving and rapidly growing residential community is at stake.

## NEWSPAPER'S ANNIVERSARY

**Mr. Epp:** I want to read a statement on behalf of the member for Kent-Elgin (Mr. McGuigan) who, unfortunately, cannot be here at this time.

On Monday of this week we learned that the *Globe and Mail* was celebrating 50 years in publication. The Honourable Mitch Hepburn, the Liberal Premier of Ontario, dominated the front page of the first issue. Last Monday the *Thamesville Herald* held an open house celebrating its 100th anniversary. Orval Schilbe, editor and publisher, and Mrs. May Schilbe, executive editor, have reported they do not know what was on the first page of the original edition 100 years ago, November 4, 1886. The earliest edition they have been able to acquire is dated November 7, 1886.

In any event, unlike the *Globe and Mail*, which claimed to be politically independent 50 years ago, the *Thamesville Herald* still remains politically independent today. In the anniversary issue of November 19, contributing columnist Rev. Burr writes, "For 100 years the paper has supplied all the news fit to print and likely some that unfortunate souls wish they had not printed." Today the *Herald* feeds the local citizens with news and views for only 30 cents per copy. One can only wonder what the cost was 100 years ago.

I invite the members of this Legislature to join me in recognizing the efforts of the Schilbes and wishing them continued success in the future. May the *Thamesville Herald* hold its masthead high some 100 years hence.

#### SUNDAY TRADING

**Mr. Sheppard:** A young lady in my riding was recently informed by a large department store chain that if she could not work on Sundays, she would be fired. The reason she is unable to work on that particular day, not that she needs an excuse, is that she teaches Sunday school to a group of 140 youngsters at St. Peter's Anglican Church in Cobourg.

Yesterday the Attorney General (Mr. Scott) made a promise that no one could be fired and if such a threat occurred, the individual would call his office. He said: "I want to hear about it. Give me a call at 965-1664." As it stands, a call was placed to the minister's office this morning at 9:05 a.m., only for the caller to be told the Attorney General is in Ottawa today, that no one was available to assist and perhaps the caller could call back after 10 a.m. as someone might be there then.

At 10:14 a.m. another call was placed to the Attorney General's office, only for the caller to be told once again that there was still no one there who could assist. The caller's name and number were recorded, however, and the caller was

assured that someone would get back when the person arrived.

The large department store has since retracted its statement that it will fire anyone, but what concerns me is the fact that people are encouraged to call the Attorney General's office with their concerns over this matter, only to be told no one is available to help them. As of now, at 1:20 p.m., no one from the Attorney General's office has bothered to return not only this person's call but perhaps countless others as well.

#### PENSION FUNDS

**Mr. Mackenzie:** I am pleased the Minister of Financial Institutions (Mr. Kwinter) has seen fit to close the loophole we have been raising in this House for some time in terms of the ability to take private bridging or early retirement pension and collect that as well as the Canada pension, if they choose to take advantage of the new change in Canada pension regulations. It is a positive move.

I would like to give credit not only to the large number of workers and trade unionists across this province who I know have inundated the Premier's office with letters—and I presume some of them have arrived on the desk of the minister—but also to this party for the questions we have constantly raised on it. While I do appreciate this, and am letting the minister know it, it would have been nice if he had made the announcement in the House, where perhaps some of the credit could have been attributed, rather than by a four o'clock news release in the galleries.

#### BRAVERY AWARDS

**Mr. Offer:** I am proud to rise and inform the House of the recipients of the Region of Peel Police Citizen's Citation for Bravery and Citizenship. They are Stacey Boyd and Donald Gilbert, who together contributed to removing an intoxicated driver from the road, thereby saving the driver and possibly others from injury or death; Susan McDonald, who rescued a woman from an attacker and has been credited by Peel police as saving that young woman's life; Michael Burke and Ronald Cormack, who saved a woman from a life-threatening circumstance; Brian Dennison, who rescued an elderly, physically disabled gentleman from a house fire; Anthony Magro, whose description and vigilant observation aided police in an assault case; David McIsaac, who saved a woman's life in a threatening situation; and Kathy Ward, who was



instrumental in aiding police in the arrest of six people on break, enter and theft charges.

### 13:40

These nine award recipients are indeed the finest examples of citizenship in this province. As Peel Regional Police Chief Doug Burrows indicated, they are to be congratulated for their spirit of co-operation in helping to fight violent crime.

## INTERVENER FUNDING

**Mr. Andrewes:** Once again, I want to appeal to the Minister of the Environment (Mr. Bradley) to bring forward legislation to address the matter of intervener funding. In its annual report, the Environmental Assessment Board expressed the frustration it has experienced in dealing with this issue. The courts have suggested that the government give intervener funding early legislative consideration.

The minister knows that the credibility of the environmental assessment process is at stake. In his own riding, the fairness of the environmental assessment hearing on the industrial toxic waste treatment facility proposed for west Lincoln is being seriously questioned. The perceived imbalance in the process caused 1,500 people at a rally in St. Catharines last weekend to ask the minister to reconsider the whole site selection process and the proposal itself.

Can we expect an early Christmas announcement?

## VISITOR

**Mr. Speaker:** I ask all members to join me at this time in recognizing and welcoming the Speaker of the Alberta Legislative Assembly, the Honourable David Carter.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### SECURITIES INDUSTRY

**Hon. Mr. Kwinter:** On June 11, I announced that the government had decided to adopt in principle the main recommendations of the report of the Ontario Securities Commission with respect to entry into and the ownership of the securities industry.

My recommendations were designed to allow increased participation by domestic financial institutions and nonfinancial investors and by foreign security firms in the securities industry in Ontario. Our intention was to secure the growth of Toronto as a major centre of international finance and as a centre of Canada's capital markets.

When I made my announcement, I indicated I had directed the OSC to work closely with securities market representatives in order to develop the best structure for the industry. I also stated that in the light of the rapidly changing nature of the capital markets in Canada and around the world, we would be prepared to consider allowing Canadian financial institutions and others a higher ownership level than announced and would await the results of the OSC's consultation with the industry.

I am pleased to report that the consultative process between the Ontario Securities Commission and the securities industry committee has worked extremely well. It was the consensus of all the groups consulted that a substantial liberalization of the ownership rules, beyond the levels indicated in my June announcement, was required. Other events in the fast-changing capital markets have also led us to a broader opening of the industry.

It has recently become clear that the role of Canadian banks and other federal financial institutions in the securities market is in the process of being greatly expanded. The most obvious example of this expansion is the formation by the Bank of Nova Scotia of a subsidiary that is a full-service securities dealer. Scotia Securities has been registered in Quebec and is beginning to carry on business there.

Banking is a matter that under the Constitution falls to the federal government. Securities regulation is a matter of provincial jurisdiction. Accordingly, each level of government has a role to play in structuring our financial markets.

Ontario and the federal government have discussed the issues and our respective spheres of responsibility. I am pleased to report that fact, as co-operation between us is essential to the efficient working of our markets. While my understanding is that the federal position is not yet settled, I am hopeful that banks and other federally incorporated financial institutions will be allowed a major participation in the securities industries through subsidiaries.

We are prepared to accommodate the expanding role of banks in the financial markets and to recognize the merging of the four pillars that has occurred in the global markets. Indeed, the changing nature of the four pillars has been a matter of discussion at federal-provincial meetings for the past two years.

As a result, I am announcing today a much broader opening of the securities industry than was contained in my June announcement. The new rules will come into effect on June 30, 1987.

On that date, Canadian financial institutions—banks, insurance companies and trust companies—will be allowed to own up to 100 per cent of a securities dealer. In addition, other Canadian investors will also be allowed to own up to 100 per cent of a securities dealer.

Nonresidents will be limited, however, to a 50 per cent interest in a Canadian securities dealer in order that Canadian investors may have some lead time to invest in and secure the growth of the Canadian industry. In one year's time, on June 30, 1988, nonresident investors will be allowed to own up to 100 per cent of a Canadian securities firm.

Foreign dealers who wish to enter the Ontario market directly will be allowed to register on June 30, 1987. There will be no capital limits on foreign dealer registrants from that date onward. However, the activities of these foreign dealers will be limited to exempt market activities under the Securities Act for one year. This provision is designed to allow a period of adjustment for the domestic industry and new Canadian investors. From June 30, 1988, foreign dealer registrants will be able to engage in the full range of activities in our securities market.

The opening of the securities industry I am announcing today will see major changes in the structure of our capital markets. It will allow free play to Canadian financial and nonfinancial investors, as well as welcoming both direct and indirect investment by nonresidents. The adoption of the principles I am announcing is designed to ensure that our financial markets are so structured that Toronto will be able to maintain its rightful place, not only as the centre of Canada's capital markets but also as a major international financial centre.

While we are permitting federal financial institutions to enter the securities industry, I wish to make it clear that securities regulation remains a matter of provincial jurisdiction. Accordingly, federal financial institutions will only be allowed to enter the securities business in Ontario if the core functions of such business are carried on through a subsidiary registered with the Ontario Securities Commission and subject to its rules and regulations. The carrying on of core securities through a subsidiary is essential for effective regulation and for the implementation of conflict-of-interest rules.

At the same time, I want to assure the House that, along with these changes, we will maintain strict regulations to protect users and other persons who engage in activities in the securities market.

**Mr. McFadden:** We received with interest the statement by the Minister of Financial Institutions concerning entry into and the ownership of the securities industry. There is very clearly a need for Ontario to change its regulations and its approach in securities legislation, as well as in financial institutions legislation in general, to reflect the changing world financial marketplace.

The thing that seems a bit strange about the announcement today is the fact that in the budget last spring, the Treasurer (Mr. Nixon) stated that he had some real concerns about the concentration of corporate ownership in Ontario. This subject was referred to the standing committee on finance and economic affairs for that committee's study. The standing committee is currently in the middle of a study mandated by the Treasurer and this House to look at the concentration of corporate ownership in financial institutions.

Now we have a statement setting out the government's policy that very clearly suggests and will lead to a concentration of corporate ownership in the financial institutions sector. That is very strange. Why, then, did the Treasurer talk in his budget about the concentration of corporate ownership, refer it to a committee of this Legislature, which committee is in the middle of it, and then this minister brings out this statement, which seems to run totally in the face of the concerns raised by the Treasurer prior to any recommendation of the standing committee?

That has to be the question. I do not know what the minister is proposing to do, but it hardly seems worth while for committees of this Legislature to carry on with mandated studies if the government, months before the recommendations of the committee come out, suddenly makes a decision that effectively could render a decision of the committee redundant or, if the committee report is adopted and runs contrary to this position, could force the government to change a recently announced policy.

I suggest that this is an example of where the left hand really did not know what the right hand was doing. Very clearly, the Minister of Financial Institutions is heading one way and the Treasurer's direction to a standing committee of the Legislature is going in an entirely different direction.

**Mr. Ashe:** I would like to comment on the statement read today by the Minister of Financial Institutions on the expansion of the securities industry and the ownership of same.



We have not had an opportunity to have any feedback from the industry or from federal authorities, but if what the minister says in the statement is true, it appears that on this occasion he has been able to carry on some dialogue with the industry and the federal authorities. I hope he has done a better job than he did when he was talking about Bill 116, relating to another aspect of his ministry which is before committee. His dialogue at that time was deficient.

Off the top of our heads, as has been indicated already by my colleague the member for Eglinton (Mr. McFadden), it appears that what the minister is doing is in the right direction in the context of reaffirming that Toronto has been, should be and will continue to be the financial capital of Canada. At the same time, I suggest there is a bit of conflict between the Ministry of Financial Institutions and the Ministry of Treasury and Economics. I hope that somewhere along the line in this process they will be able to resolve their differences.

**Mr. Rae:** Let me deal with the statement by the Minister of Financial Institutions. It is takeover time on Bay Street just as it has been takeover time on Wall Street and in all the western economic world. This government is doing absolutely nothing about this. On the contrary, the statement the minister made today indicates that for the space of about the first five minutes it will be a wide-open game. As soon as those five minutes are over, as the minister well knows, it will be either eat or be eaten and we will have no more competition downtown than we have had in the past.

It is the height of hypocrisy for the government to express concern in the Treasurer's speech, through the words of the descendant of the United Farmers of Ontario, about corporate concentration and what is going on. When it comes to dealing with Goodyear and the corporate cannibalism that now is the hallmark of our economic system—not corporate responsibility and not job creation, but the shuffling of paper, the merging of firms and the firing of workers—this government not only is sitting on the sidelines and doing nothing about it but also is indicating in the statement by the minister today that all this has carte blanche and is okay.

With respect to the final paragraph, where the minister talks about regulation, we are already beginning to appreciate from events in the United States the incredible abuse of insider trading, the incredible use of information with respect to mergers and the sudden enrichment of individuals in the space of five minutes as well as the

collapse of the morality and the legality of much of what is going on in the securities business.

To enter into this type of a free-for-all without a systematic study of the changes that are needed in our securities law is irresponsibility of the highest degree. The whole basis of the system has been the four pillars. If the government eliminates the four pillars, which it is now doing, any rules with respect to cross-ownership, which it is now doing, and any rules with respect to preventing people who are in the business of making money from taking other people's money and turning other people's money into their money, and if it fails to deal with that with new regulations, a new law and a new set of public responsibilities, it is simply asking for it. The Ivan Boesky phenomenon in New York is going to be repeated, if it is not being repeated today right here in Toronto.

It is something this Liberal government ought to be doing something about. Instead, it is encouraging a free-for-all, corporate irresponsibility and a casino economy that knows no morality other than greed and no limitations other than self-serving pursuit of individual interest and profit.

Workers and people are suffering. The government simply stands by, watches it all happen and says, "It is eat or be eaten," to use the words the Premier (Mr. Peterson) used today in the House. If it is eat or be eaten, let that be the epitaph of the Liberal Party of Ontario when it comes to dealing with corporate irresponsibility right here in our province.

#### ONTARIO ARTS COUNCIL

**Hon. Ms. Munro:** I would like to inform my colleagues in the House that this morning the Ontario Arts Council announced that Christopher Wootten has been appointed to succeed Walter Pitman as executive director of the council.

Mr. Wootten comes to us from Vancouver. He brings with him extensive and broad experience in arts management. He was director of programming for the cultural and entertainment program of Expo 86. He founded the Vancouver East Cultural Centre, produced numerous Canadian theatrical productions and was artistic director for the Vancouver International Children's Festival.

I know members all join me in welcoming Mr. Wootten as the new executive director of the Ontario Arts Council, an agency of the Ministry of Citizenship and Culture.

However, along with the pleasure I have in welcoming Christopher Wootten comes a sad-



ness at saying goodbye to Walter Pitman. In his six years with the council, Walter has done a great deal for culture in Ontario. He has appeared in every part of the province inspiring and encouraging the arts community and the general public. To a large degree, we can thank Walter Pitman for the flourishing cultural life we enjoy in Ontario today.

During my time as Minister of Citizenship and Culture, Walter Pitman's incredibly detailed knowledge of arts in this province and, I might add, his wonderful sense of humour have been invaluable.

Many members in this assembly will remember Walter as the deputy leader of the New Democratic Party. Some of the members on the opposition benches will remember him well as a scrappy young NDP Education critic back in 1968-69. It is to education that Walter returns. He has been appointed director designate of the Ontario Institute for Studies in Education.

His background in education is impressive. As well as having been a teacher, a professor and a dean, he has been, among other things, president of the Ontario Educational Association, president of the Canadian Association for Adult Education and president of Ryerson Polytechnical Institute. As a fellow educator, I can only say that if the arts must lose Walter, then I can think of nowhere I would rather he use his talents than in education.

As members have noticed, Walter is with us today in the members' gallery, along with Sonja Koerner, the very able chairperson of the Ontario Arts Council. Please join me in wishing one of the finest and most dedicated persons of any political stripe ever to sit in this House all the very best in his future appointment.

**Mr. Andrewes:** I want to offer our congratulations to Christopher Wootten, who obviously comes eminently qualified to this post with the Ontario Arts Council. He will inject enthusiasm and creativity into the activities of the council based on his very strong background and experience.

In doing so, I want to express our party's appreciation to Walter Pitman for his years of service and devotion to the arts council. The Premier (Mr. Peterson) quietly said that our loss would be OISE's gain. We are fortunate the government in its wisdom saw fit to leave that institution intact so that Mr. Pitman's skills can continue to be applied in the province.

**Mr. Rae:** We join with the Minister of Citizenship and Culture in wishing Mr. Wootten

well in his new responsibilities at the arts council.

I hope Walter does not make the mistake of inhaling all the comments that have been made today; it will have a very serious effect on his health. However, we all want to celebrate the career of Walter Pitman. I say to the Treasurer (Mr. Nixon) that we look forward to a productive career for Walter Pitman at the Ontario Institute for Studies in Education, so he will continue to lead an institution that deserves the full support of all members of the Legislature. I know the kind of scrapping Walter Pitman—

**Hon. Mr. Nixon:** Scrapping is good for you. It made you what you are.

**Mr. Rae:** Scrapping is good for one's health. It has certainly been good for mine over the years.

I know the kind of scrapping Walter Pitman had to do as Education critic will not have to be repeated in fighting for the survival of OISE but rather in fighting for the expansion and thriving of OISE.

14:01

## ORAL QUESTIONS

**Mr. Pope:** First, it is totally unacceptable that the Minister of Labour (Mr. Wrye) and the Attorney General (Mr. Scott) are not present today. We have absolute chaos with respect to Sunday openings in this province, for which they are responsible. They do not even want to show up. The Attorney General put himself in the middle of this conflict with the former Solicitor General, and he does not even have the guts to show up here this afternoon.

**Mr. Speaker:** Order. That question was to whom?

## ALCOHOL ON OPP BOAT

**Mr. Pope:** My question is to the Premier. With respect, the Premier was wrong in the way he has handled the matter of the former Solicitor General, the member for Kingston and the Islands (Mr. Keyes). It should have been immediate and total.

Can the Premier explain to this House and the people of this province why he has asked the member for Kingston and the Islands to resign only as the Solicitor General and has allowed him to remain in the cabinet as Minister of Correctional Services, as part of the justice field, when he has a charge outstanding or about to be laid under the Liquor Licence Act?

**Hon. Mr. Peterson:** I am sorry the Attorney General (Mr. Scott) could not be here today, but I

am glad the honourable member is here to ask this question.

I reflected on this matter, and the conclusions I came to are the conclusions the member is aware of. As he knows, this matter became public a couple of weeks ago or so. At that point, the then Solicitor General stood up and admitted the facts in question and admitted to making a mistake in the circumstances. We immediately ordered a police report, and that came back.

I am sure the member has had time to read that police report and reflect on it. The Attorney General decided to make that police report public, even though that is not the custom, because of the particularly sensitive nature of this matter and given the fact that it was the Solicitor General who was involved.

The police report said that in ordinary circumstances, had it been an ordinary citizen, a charge would not be laid. That is what it said, and I recommend that the member read it. It said a warning would have been forthcoming. Given the fact that he is Solicitor General, I asked him to step aside pending a resolution of this matter. That is why I came to the conclusions I did.

**Mr. Pope:** That is totally unacceptable. The Premier did not ask him to resign from cabinet. He asked him to step aside as Solicitor General. We are talking about someone who is or is about to be charged with a provincial offence. We are talking about someone who has to show a standard of conduct because he is part of the justice field.

In all fairness, the Premier should look at the standard of conduct in this Legislature and in Legislatures across this country. When someone is alleged to have committed a provincial offence, he immediately resigns, not from one of his posts but from all his cabinet posts.

I want to know why the Premier trivializes all these matters. Why did he trivialize the resignations of the member for Oriole (Ms. Caplan) and the member for Cochrane North (Mr. Fontaine)? Why does he not set a standard of conduct in the government of Ontario of which we can all be proud by asking for immediate resignation when these allegations are made public and by sending those involved totally out of cabinet?

**Hon. Mr. Peterson:** I do not trivialize the matter; I think the member does. That is the difference.

When judgements are required to be made—I made the judgement, and I accept responsibility for it—one has to use common sense, reason and judgement in the circumstances.

I expect the member to stand up and hoot and holler, as he generally does on almost every issue. However, I happen to disagree with the member's analysis of the situation. I have told the member that all the facts are there for him to see. In spite of his legal training, he would rather judge someone guilty before there has been a fair hearing of the matter. It is the member's right to come to those conclusions, but I have to disagree with him.

**Mr. Pope:** The Premier knows full well that we are not talking about judging someone guilty. We are talking about someone who has been or is about to be charged with a provincial offence. We are talking about a standard of conduct we have a right to expect from the Premier and his ministers in the government of Ontario, one the Premier still does not appear to understand.

The Premier has mismanaged this issue for the past six months. He has had three ministers resign from their positions. He admitted to the standing committee on public accounts that he did not want to get involved in it, but he neglected to administer or enforce any guidelines respecting conduct of his cabinet ministers.

When is the Premier going to fess up, get this issue under control and have some standards of conduct for his ministers of which we can all be proud?

**Hon. Mr. Peterson:** If the member is going to quote me, in the circumstances he would want to quote me accurately, which he has not done.

I think the matter is under control. Mistakes were made, admitted to and action has been taken. The member is entitled to argue that the action taken was inappropriate. If the member wants to call for blood, he has every right to do so. That offends my sense of fair play and, in the circumstances, common sense. The member is entitled to scream all he wants about it; perhaps that is the role of the opposition in the circumstances. However, I think the matter has been fairly dealt with. I also think it will be judged to have been fairly dealt with by people across this province.

I look back to other circumstances; one would have to ask whether decisions would be handled the same way in the same circumstances. The member should ask himself whether his conduct has always been above reproach. Perhaps the member is a little holier than I am, but my conduct has not always been perfect, and I suspect the conduct of most of the members of this House has not been perfect.

It is not a Criminal Code offence. It is a provincial statute, as the member says. It is going



before the courts shortly; I do not know when. It will be dealt with in the appropriate way.

I repeat to my honourable friend that the police report said that had the minister been an ordinary citizen he would not have been charged. Because he is the Solicitor General, he is being charged to make sure—that is what it says. The member will want to read that and make sure he is very familiar with all the facts in the circumstances before he, as a trained lawyer, comes to a premature judgement on this matter.

**Mr. Grossman:** I want to ask the Premier a question on the same topic. I remind the Premier that my colleague was not judging the minister guilty, any more than the Premier was when he decided the minister should no longer serve as Solicitor General. No one on this side of the House has accused the Premier of finding his colleague guilty of an offence for which he is about to be charged. Still, the Premier decided he should not serve as Solicitor General.

When Marcel Masse, a very good federal minister, was under investigation—not charged—for perhaps having violated the Canada Elections Act, he was relieved of his cabinet responsibilities, not shifted to another post. When a former Ontario Solicitor General did something the Premier of the day thought was unacceptable for a Solicitor General to do, but was not charged, the Premier did not make him Minister of Correctional Services. He put him out of the cabinet under the urging and with the total approval of the Premier's predecessor as leader of the party.

In the shadow of the problems of the member for Cochrane North and the member for Oriole, why would not the Premier finally decide today to set a high standard for his government by doing what the Prime Minister of Canada and the former Premier did; that is, ask the minister to leave the cabinet entirely?

14:10

**Hon. Mr. Peterson:** If my honourable friend invites me to follow the standards of his close friend the Prime Minister, I will probably decline the invitation.

In the situation we have had to deal with, I have made judgements for the reasons I have explained to the member and his colleague. I think this is the appropriate way to deal with the matter in the circumstances. The former Solicitor General is paying a price because of his profile and because he is a law officer of the crown. The member should want to check the police report to verify that. Fair-minded people looking at this

situation will probably agree with the way we have handled it.

**Mr. Grossman:** When one of his ministers was under investigation the Prime Minister of this country made his minister leave the cabinet. When another of them was under severe questioning regarding the propriety of his behaviour he quickly called a judicial inquiry, which is still going on. The Premier, on the other hand, did not ask the member for Oriole to leave the cabinet; she left of her own volition. The Premier did not ask the member for Cochrane North to leave the cabinet; he paraded out of here of his own volition, we are told. Yesterday the Premier did not ask his former Solicitor General, the member for Kingston and the Islands to leave cabinet; he asked him only to take one of two responsibilities.

Today the Premier has alleged that the former Solicitor General got the same warning, according to the police report, other average citizens get. We did a random survey of Ontario Provincial Police detachments in the same area and in cottage country generally. Our survey shows that OPP marine officers normally charge persons without first giving them a warning, as suggested yesterday by the Premier's Attorney General, who is not here today.

**Mr. Speaker:** Question, please.

**Mr. Grossman:** What would the Premier say to Brian Wicks of Midland, who had three beers and a bottle of spritzer on his boat? However, he had only his girlfriend with him, who did not qualify under the Premier's definition as a dignitary. He was charged, not warned.

Interjections.

**Mr. Speaker:** Order.

**Mr. Grossman:** He faced a \$53 fine and did not have the Attorney General to get in the way.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Peterson:** I note the sterling and heartfelt defence of the Prime Minister on these matters. I am sure he very much appreciates the member's support.

I do not know what to tell the member's friend in the circumstances. I am just quoting from the police report. It lays it out very clearly. It talks about the policy of issuing warnings unless there is a situation, I gather, where someone is being obstreperous or problems could be caused. I do not know the circumstances of his friend and whether or not he was in control of the boat.

We are saying here that the former Solicitor General has been charged. He is a cabinet minister and he has been charged.



Interjections.

**Mr. Speaker:** Order. I will just wait.

**Mr. Grossman:** We may hear from the third party on this later today in question period. Having read the newspapers this morning, it seems the leader of the third party also believes the former Solicitor General should not serve in the cabinet. That is certainly the position of this party.

May I remind the Premier that when the member for Oriole left cabinet, she gave us her reasons. She did not have the confidence of the House, given the views of the two opposition parties, and she was leaving. Is the Premier comfortable with the different standards of behaviour shown by the member for Oriole? When she felt she did not have the confidence of this House, she left her cabinet positions, but for some reason, when the former Solicitor General equally has lost the confidence of this House, the Premier is prepared to leave him in cabinet.

**Hon. Mr. Peterson:** I understand the point my honourable friend makes. The circumstances are completely different. One could say that when people lose the confidence of this House, have lost the confidence of the House, there are—the member opposite has lost the confidence of his own party, but he is still holding on.

**Mr. Grossman:** When we lost the confidence of the House we moved across the floor.

**Mr. Speaker:** Order.

**Hon. Mr. Peterson:** If my friend has another question, I will be happy to answer it.

I agree with the member. These situations happen to come along and I regret them very much. They have to be dealt with in a fair-minded way and one has to use judgement in the circumstances.

Interjections.

**Hon. Mr. Peterson:** Mr. Speaker, can we have some order?

**Mr. Speaker:** Order.

**Hon. Mr. Peterson:** What did my honourable friend do to the member for Sarnia (Mr. Brandt) when he laughed at a Progressive Conservative meeting that he had not been charged for a speeding ticket because the policeman was on the executive of a PC association? What did the member do, when that became public, to reprimand his friend from Sarnia, a former minister of the crown, about the standards we all have an obligation to set?

We all have a responsibility in this regard. I think we have dealt with this in a fair-minded

way that gets the message out to the people of this province that everyone should be treated equally before the law.

**Mr. Rae:** I have a question for the Premier as well. If it is his view that this is a relatively minor offence, that the mistake has already been admitted; and if it is his view that nobody has been found guilty of anything yet and that, in effect, from what I heard him say in his six previous answers, there was no problem, why has the Premier accepted the resignation of the Solicitor General, the member for Kingston and the Islands?

**Hon. Mr. Peterson:** Because I knew this was a very important issue in terms of its symbolism. He was the Solicitor General. People will be looking at the situation. I could easily anticipate the reaction from the Conservative Party in this particular matter, and I believed it was the appropriate thing to do in the circumstances.

The honourable member is asking me whether it warranted his dismissal from the cabinet for this laying of a charge. The answer is no, and he is carrying on his responsibilities as the Minister of Correctional Services.

**Mr. Rae:** Are we to assume then that being Minister of Correctional Services is a form of community service on the part of the minister? How are we to interpret this?

By way of supplementary, would the Premier not agree that we are dealing with one individual, one person who, on his own admission, made an unfortunate mistake? We now have a rather lengthy police report, seven pages, that has been given to us, in which it is stated that the offence is a high-profile one which has affected the credibility of the marine awareness program and the holiday weekend blitz program for highway enforcement.

Does the Premier honestly believe, is he seriously submitting to the House today, that the continuation of the member for Kingston and the Islands in cabinet somehow reinforces the credibility of the marine awareness program or of the holiday weekend blitz program for highway enforcement, because the public out there is somehow able to distinguish the various hats the member wears by virtue of the fact that the Premier has appointed him to two portfolios?

Does the Premier not understand the problems he has created by not stating quite simply that it would be better in everybody's interests if the member were to step aside from the cabinet until such time as this matter is resolved, and then he could make his decision about how he wants to rearrange all the various players in his cabinet

who are not able to sit, for a whole variety of reasons, and others who may want to take their place?

**Hon. Mr. Peterson:** I do not agree with the honourable member with respect to the fair-minded disposition of this matter. My sense is, and he will disagree with me, that people looking at this situation who do not have a vested political interest in trying to embarrass someone one way or the other would say, "Look, he made a human mistake, and others have made human mistakes." Probably they have done so or the member opposite has done so as well in his life, although he may not want to admit it.

He is a high-profile person because he was Solicitor General. He is being asked to get rid of that portfolio. Obviously, the example has been set in that regard and it is being dealt with in the normal course of justice, as all things should be in an evenhanded, fair-minded way.

My sense is that people who are fair-minded, of common sense and reasonable judgement would not have that member's particular view and would see that we are all human and we all make mistakes; but when we do make mistakes we admit them and we deal with them in a forthright way. I think this is what happened in the circumstances.

14:20

**Mr. Rae:** I am not going to comment on the imputation of motive which the Premier has made to me with respect to our motivation. If the Premier looks at our conduct over the last number of weeks with respect to this issue, he will know full well that I have not said anything on this issue with respect to the member for Kingston and the Islands, nor have members of my party, until such time as a police investigation was completed and made public. That is precisely what I have done.

Does the Premier not understand the implication of what he is saying? Somebody has been charged with an offence which, in his own view, which he has expressed today, is a symbolic issue of some importance with respect to the fairness of the application of the law and the nature of the offence as to what the government is trying to do with respect to the combination of alcohol and driving.

Does he not appreciate that this affects the confidence this House has, and indeed the public has, in a member of his cabinet and that it would be in everybody's interest, in the same spirit of fair-mindedness, that the government, the minister and, if I may say so, the Premier accept something which he does not appear willing to

accept, that is, the consequences of a mistake? We, alas, live in a world—

**Mr. Speaker:** Order. The question has been asked.

**Mr. Rae:** —where mistakes have consequences. Does the Premier not understand that he has to live with those consequences and, accordingly, deal with them firmly?

**Hon. Mr. Peterson:** Very much so. I understand I have to make decisions and deal with the consequences of those decisions. I have made a decision and I am prepared to live with the consequences of that decision.

The member may have a different view of the symbolism attendant thereto. He is entitled to have that. He is entitled to have his point of view and make his own speeches and disagree with my judgement. What I am saying is that I think if this thing is put to the test, the average person in Ontario is fair-minded and recognizes, as the Solicitor General has admitted, that he made a mistake. He stood up and confessed to that quickly. We all recognize that. We dealt with it in a normal course of justice. When mistakes are made they have to be admitted and the highest price paid.

I believe that is being done in the circumstances. I think most fair-minded people would agree that is the appropriate way to handle it.

**Mr. Rae:** For the record, the Premier might have the decency or the grace to indicate today that fair-minded people can disagree and that there are a lot of fair-minded people who also think it is important that cabinet ministers set standards as members of cabinet and not according to whichever title happens to be given to them by the Premier of the day at the time.

**Mr. Speaker:** Question, please.

**Mr. Rae:** That is the issue in this regard and that is the issue the Premier is ignoring.

#### SUNDAY TRADING

**Mr. Rae:** We are not blessed with the presence today of the acting Solicitor General, the minister responsible for women's issues, the minister responsible for native affairs, or the Attorney General (Mr. Scott), who all happen to be one and the same person.

In view of the absence of the four or five ministers who are not here, who are somehow crowded into one little chair next to the Treasurer (Mr. Nixon), perhaps the Premier can deal with the following quandary expressed to me by the manager of a store. He has been told by the owner of the enterprise that if he does not turn up on



Sunday he is going to lose his job. He has also been told by the police today in a public statement that managers of stores, as well as store owners, are going to be charged on Sunday. Perhaps he can give some advice to my friend.

**Hon. Mr. Peterson:** I would tell the member's friend, and he can tell his friend, not to disobey the law and that we will make sure everyone in those circumstances is protected. I do not know all of the details of the situation, but I can say his friend should not be coerced into breaking the law by anyone, be it a mall manager, be it a store owner or manager of any type.

**Mr. Rae:** Let me deal with another problem. I am sure it will come as great comfort to the thousands of people who are being asked to work—not being asked to work but are being told to work—that all they have to do is phone the Attorney General. Some of us have difficulty getting through to him when he is not there.

What is the Premier going to do for the store owners in mall after mall who are being charged and who are being fined by virtue of the contracts they have signed with mall owners because they refuse to open on Sundays? What is he going to do with them? If mall owners decide to open on Sunday, are the people who have stores in those malls bound to pay the thousands of dollars in fines that are part of their contracts with mall owners?

**Hon. Mr. Peterson:** The answer is no, they are not bound. In my judgement, they are not bound to open up on Sunday if they do not want to, and I do not think they should feel obliged to. I am happy to tell the honourable member that we now have news that the Supreme Court judgement will be coming down on December 18. In addition, we have had word that Simpsons and the Bay have reversed their decision to open up on these Sundays. I am hoping that will persuade other like-minded and law-abiding citizens and corporate owners not to break this law of the land.

**Mr. Rae:** Since the Premier is giving his legal advice today, I am sure those who are being fined, those who are being charged and those who are having to pay penalties will send their bills to him and he will gladly pay them. That is what I hear him saying today.

I wanted to ask this of the Attorney General, the minister responsible for women's issues, the minister responsible for native affairs and the acting Solicitor General. In his absence, can the Premier tell us whether the government has contemplated asking its crown attorneys to look

at the possibility of conspiracy charges being considered against those individuals who very clearly have talked to one another, either within the same enterprise or possibly across different enterprises, in this systematic assault on the law of Ontario?

I am sure the Premier will recognize that one or two such charges might have a salutary effect because they are criminally based charges, as he will know, and might have a considerable deterrent effect on those individuals who seem to be so carefree about forcing people to work on Sunday against their will.

**Hon. Mr. Peterson:** It is an interesting suggestion, certainly one I had not thought of. I will mention it to the Attorney General and see whether there is any substance to it or possibility of pursuing that course.

It is a great concern to us. I find the rationale of those managers who want to open up absolutely outrageous when they say, "We are responding to economic forces and therefore we have to open up." Those same people, if they caught a shoplifter, would never accept the defence, "I am responding to economic forces to feed my family and therefore I am going to steal from your store." They cannot have it both ways.

I find the leadership role they have been applying to be reprehensible in the circumstances. I hope the enlightened leadership now demonstrated by these companies will form a tide and persuade others to follow this lead and to not violate the law of the land.

**Mr. Gillies:** In the absence of the minister of everything, I will also put a question on Sunday shopping to the Premier. The Attorney General was on a number of news programs last night making the rather bizarre statement that nobody in the province would have his or her job jeopardized by refusing to work on Sunday. As I am sure the absent Attorney General will have briefed the Premier fully on this matter, can the Premier advise the House under what section of what statute the Attorney General can guarantee to all these thousands of people that they will not lose their jobs?

**Hon. Mr. Peterson:** I am sorry I cannot tell my honourable friend what section of what statute would apply in the circumstance, but I can assure my friend if there is not a statute that is applicable, we will bring one into the House to protect these people.

Interjections.

**Mr. Speaker:** I know the member for Brantford would like to ask a supplementary, but



I will wait until everyone else has calmed down a little.

**Mr. Gillies:** This is quite a reversal. We suggested a change in the legislation yesterday and the government said no. Now the Premier is saying maybe it will change the legislation, or he does not know?

On television last night, the Attorney General widely publicized his telephone number as a hotline on Sunday shopping. All the workers in Ontario were to phone in and find out what protection they had. We made a couple of calls and got four answers; one was: "I cannot give you any advice. Phone back Monday."

**14:30**

**Mr. Ferraro:** That was Conservative Party headquarters.

**Mr. Gillies:** I tell the member for Wellington South (Mr. Ferraro) that I like these ones: "Write us a letter" and "Use your own discretion."

**Mr. Speaker:** Order. Do you have a question?

**Mr. Gillies:** Somewhat more seriously, when we suggested to the hotline that this was not very good advice and asked whether it could offer us some direction about where to go to get good legal advice in this matter, the hotline referred us to the law firm of Gowling and Henderson, the firm in which the Attorney General used to be a partner.

My question to the Premier is twofold. First, is he satisfied with the advice that the Attorney General's hotline is giving the people of Ontario? Second, does he feel it appropriate that officials of the Ministry of the Attorney General should be sending business to the minister's former law partners?

**Hon. Mr. Peterson:** I know nothing of the things my honourable friend is talking about, although I can understand his concern about losing his job. He should spend more time phoning there, because he is going to be out of a job very shortly.

Interjections.

**Mr. Speaker:** Order. The member for Hamilton East is waiting patiently. He would like to ask a question.

**Mr. Mackenzie:** I would like to go back to the issue of where the protection is. Surely the Premier is aware that under the Employment Standards Act, there is not protection in a case such as this. If he is then saying to workers who are discharged illegally that they are going to have to go through some process, what is the time

frame of that process and what protects the worker in the interim period?

The real problem here is that there is no legislation. Can the Premier tell us, if he is prepared to bring in a law before Christmas to protect these workers, why he cannot bring in a law that will protect workers in the case of plant shutdowns?

**Hon. Mr. Peterson:** The answer to the member's question is yes, if it is necessary.

**Mr. Mackenzie:** It is obvious we do not have the protection now. That is going to be the core part of the debate later today. Can the Premier tell us when he is prepared to bring in a law and what he is prepared to do to protect the workers in a case such as this, where they do not have protection now?

**Hon. Mr. Peterson:** I am not familiar with the type of statute, the wording of the statute or what amendment to what law. We are prepared to protect those people the member is talking about. No one in this province will lose his job because of a failure to work on Sundays if ordered to do so by some store manager.

**Mr. Gillies:** Yesterday, the Attorney General told the House he could not and would not bring in legislation in this regard while the matter was before the courts. The Premier is now saying he will bring in legislation. Who is speaking for the government in this matter, the Attorney General, with all his misleading information to the people of this province, or the Premier?

**Hon. Mr. Peterson:** The member is confusing two things. Yesterday, he asked the Attorney General to bring in legislation to amend the fines. That is what he raised yesterday. I know his memory is short, but that is what the discussion was about yesterday. It was quite different from today.

**Mr. Gillies:** That is not what the Attorney General said at all. He said he would not bring in legislation.

I want to ask the Premier about the thousands of people who are going to be reporting for work, many of them unwillingly, on Sunday, before he will have the opportunity to bring in legislation. When we contacted the Ministry of Labour, we were told there is no protection for these people. In the case of a firing, the matter would likely be referred to the Ontario Labour Relations Board, where it would take "a few weeks or possibly a few months to hear" and in all likelihood all the board would then rule on is whether the employer had correctly given notice or pay in lieu of notice in terminating the employee.

What about all those people? Whether or not legislation is brought in, the government has misled the workers of this province, and many of them now have their jobs at risk because of that.

**Hon. Mr. Peterson:** The whole point is that jobs will not be at risk. We will attend to that matter.

My honourable friend is getting very confused from day to day, 24 hours afterwards. Yesterday, he was asking for amendments to the penalty section; today, I do not know whether he supports it or not. It speaks to the whole division in his party. His leader wants to extend the store hours; the committee wants to restrict them. Let him tell me where he is coming from.

My friend is getting agitated; he is starting to jump around a little bit, but he looks very handsome in his red tie, let me tell the honourable leader. I am telling my friend very clearly that we are going to protect those people from those circumstances.

**Mr. Gillies:** What do we do about the ones opening this Sunday? Call the Attorney General's law firm?

**Mr. Speaker:** Order. The member for Brantford has already asked a question and supplementary.

#### RESIDENTIAL RENT REGULATION LEGISLATION

**Mr. Reville:** I would like to change the focus from people losing their jobs to people losing their apartments.

The Minister of Housing knows that Bill 51, which is now law, allows far more than the four per cent his government promised and far more than the 5.2 per cent that actually was included in the Bill.

I have in my hand, as the saying goes, a ministry document—in fact, if a page will come here, I will send a copy over to the minister to refresh his mind—which describes a typical case under what was then subsection 77(2) of his legislation. It describes a building that is worth about \$1 million and in which there is about \$300,000 of equity. I presume it describes the situation in the future after the bill creates this alleged housing, because this was built after July 1, 1986.

If the minister will turn to the last page of the document, about halfway down the page—

**Mr. Speaker:** You do have a question.

**Mr. Reville:** I am trying to get the minister to follow this, Mr. Speaker. It is quite complex.

**Mr. Speaker:** I am sure.

**Mr. Reville:** Will the minister confirm that the ministry document—

**Hon. Mr. Kerrio:** Did the member get the numbers from his leader?

**Mr. Reville:** No. This is ministry material.

The ministry document shows annual increases over the next five years of 15 per cent, 15 per cent, 9.7 per cent, five per cent and five per cent, which makes a total of 59.7 per cent. Would the minister confirm that a tenant who started off at \$500 will, under this bill, end up paying \$800 five years from now?

**Hon. Mr. Curling:** The honourable member knows that Bill 51 is one of the most progressive rent review bills that has come into the House.

I would like the member to take a more sober and responsible attitude of not frightening those tenants outside there about their rent escalating by 15 per cent and what have you. We have a responsible act in place. I urge the member not to put fear in the tenants' minds that rents are being escalated by 15 per cent and 20 per cent.

**Mr. Reville:** That is a very insulting answer. This is a ministry document. It is inappropriate for the minister to pull the wool over tenants' eyes.

Will the minister again look at the document, on page 2, and confirm that a building built before 1986 and after 1976 could, over the next five years, experience increases of 10.6 per cent, 10 per cent, 10 per cent, 9.2 per cent and five per cent—that is 53.4 per cent—and that a tenant paying \$500 a month now would end up paying \$767 a month?

Can the minister explain how a five-year increase of \$300 in the one case or \$267 in the other case is a compromise or a delicate balance—

**Mr. Speaker:** Order. Does the minister have a reply?

**Mr. Reville:** Come on, minister.

**Mr. Speaker:** Order.

14:40

**Hon. Mr. Curling:** The honourable member knows that buildings that were built after 1976 were not under the rent review legislation; there were no controls. Now all rental units are under the rent review act, and no increase can be made above the guideline unless they come before the Rent Review Hearings Board. Those buildings were subject to increases beyond any guidelines because there were no guidelines. The member suggests all these buildings now will be subject to 15 per cent and 20 per cent increases—that is what

I hear in the member's question—but now they are all under the rent review legislation.

### LIQUOR BOARD HIRING PRACTICES

**Ms. E. J. Smith:** I have a question for the Minister of Consumer and Commercial Relations. I was amazed when I first got elected—

**Mr. Grossman:** So were we.

Interjections.

**Ms. E. J. Smith:** The people on the other side of the House were merely amazed; we were happily amazed.

It seemed to me that every second person who came to my constituency office was looking for a job at the Liquor Control Board of Ontario. At first I thought this might relate to the fact that the former minister had been from my riding. However, I later learned that this impression of nepotism was quite common right across the province. Recently, I have run into the impression that this is still the way things are throughout the province. I ask the minister what he is doing about this.

**Hon. Mr. Kwinter:** The member is right. From the first day I took over the ministry, I had many calls, not only from members of this caucus but also from members of all caucuses, asking me whether I could do something for some of their constituents by getting them jobs at the Liquor Control Board of Ontario or at the Liquor Licence Board of Ontario.

Last week, we passed Bills 119 and 120, which take the hiring practices out of order in council and put them into the fair hiring practices section of the civil service. I hope that when this is implemented—it was passed just last week—we will eliminate all these problems.

**Ms. E. J. Smith:** That the minister has done this is a great step forward, but is he succeeding in getting this same message through to the people who are doing the hiring? Are they aware that patronage is no longer the name of the game and that—

Interjections.

**Mr. Speaker:** Order. Would the honourable member take her place?

Interjections.

**Mr. Speaker:** Order. We have wasted a lot of time.

**Mr. Pope:** Mr. Speaker, even you could not stand the Liberal nonsense.

**Mr. Speaker:** Order. Does the member have a question, or is he making a statement?

### SUNDAY TRADING

**Mr. Pope:** My question is to the Premier. The Premier has trivialized and sloughed off the very important issue of Sunday shopping. He has said he is willing to amend the legislation. I refer him to page 15 of yesterday's Instant Hansard, where his Attorney General (Mr. Scott) said he would not amend the legislation while the Supreme Court case is being heard.

We heard the Premier and the Attorney General say there can be no dismissal if an employee refuses to work on Sundays, when the Ministry of Labour admits one can be dismissed if one refuses to work on Sundays. We have heard him say that information will be made available to the workers, and now we have a ministry hotline that refers people to the former law firm of the Attorney General.

This is an important issue. When will the Premier give clear guidance to the people of this province, clean up that mess of the hotline, take care of the reference to Gowling and Henderson and help the people out of this mess?

**Hon. Mr. Peterson:** I know the honourable member has trouble understanding it, but I think we have already. He should listen. He may be confused, but I do not think other people are confused about the very clear message that went forward from this government. If the member would like me to repeat it, I will be very happy to do so.

The message is very clear. People will not lose their jobs if they refuse to work on Sunday.

To repeat something I told the member for Brantford (Mr. Gillies), the member asked yesterday to amend the penalty section of the legislation. That is what he asked.

**Mr. Pope:** The Premier had better read it.

**Hon. Mr. Peterson:** I was here yesterday. I do show up here occasionally. That is what the discussion was about yesterday.

**Mr. Pope:** The Premier knows he has an obligation to the people. He has done nothing about this issue, absolutely nothing. His advice has been contradictory. His own hotline and information services do not even know how to answer the people of this province. The workers of this province deserve more.

Will the Premier take care of this improper reference out of the Attorney General's office to his former law firm?

**Hon. Mr. Peterson:** This is the first I have ever heard of it. If the member will tell me who made the reference and the circumstances, I will follow it up. Some of the information the



opposition presents in this House is not always credible either.

### SALE OF APARTMENTS

**Mr. Grande:** My question is for the Premier. The tenants of Rosebury Square are really angry. Their buildings have been sold, and they have had no opportunity to buy them. Since the bidding process was clearly unfair, will the Premier tell the House why the government has left these 1,000 units and the Rosebury Square tenants at the mercy of speculators, receivers and the Canada Deposit Insurance Corp.?

**Hon. Mr. Peterson:** I am not familiar with the case the honourable member is raising in the House. If he will give me the details, I will follow it up for him.

**Mr. Grande:** The Premier should be aware that the buildings in the great apartment flip that took place in Metro Toronto more than four years ago were sold again last month. Why has the government done nothing to help the tenants buy their buildings? Is the government prepared to step in and act on behalf of the tenants to ensure they will not bear the high cost of speculation and the casino economy we have?

14:50

**Hon. Mr. Peterson:** Is the honourable member saying now that we should have converted those into condominiums? Is that the point he is making in this House? That seems a little bizarre coming from a New Democratic. I have no idea exactly what the member's point is. He knows this matter turned out to be in the hands of the receiver, who is responsible for the disposition of these buildings. If the member's point is that they should all be turned into condominiums, then I am interested in hearing his point of view—if it appears to be that.

### SOCIAL ASSISTANCE

**Mr. Offer:** I have a question for the Minister of Community and Social Services. A recent report from the Social Planning Council of Metropolitan Toronto has indicated—I have some figures from the report—that in 1981 one of eight children in the province was living in poverty, which totals 896,000 children. This has risen in 1984. According to this planning report, one of six children in the province is living in poverty, which would indicate 1.2 million children. With respect to this situation and with respect to the increase in food banks throughout this province, one of which is in the city of Mississauga, how does the minister intend to remedy this problem?

**Hon. Mr. Sweeney:** Whether it is one child or 1,000 children living in poverty, it is not acceptable. I point out to the member, however, that the report he refers to indicates that those figures are for 1984. We have now been through 1985 and are just about through 1986, and the figures are considerably different.

For example, in the latter part of 1985, there was actually not an increase but a decline of 13.5 per cent with respect to the issue he has raised. I also point out to him that in our rate increases to low-income families, in January 1986 there were four specific references to children, one being \$80 per child for winter clothing, another being \$25 per child for the handicapped benefit and another being a three per cent increase above and beyond the basic increase for children's services. I remind him that the most recent rate increase allocated an additional \$16 for older children in families and that we have given families across the province an additional approximately \$100 in maximum rental subsidy.

We have moved considerably to begin to meet the problem, but there are children still living in poverty and we will continue to begin to meet the problem.

### SALE OF LANDS

**Mr. Partington:** I have a question for the Minister of Municipal Affairs, who for some reason does not want to exercise his responsibilities under the Municipal Act.

**Mr. Speaker:** Is that your question?

**Mr. Partington:** On November 3 and then on November 18, I asked the minister why he would not immediately appoint a commission of inquiry under the Municipal Act to investigate allegations concerning improper land sales in the town of Vaughan. Will the minister explain to this House now how he can justify sitting on such serious allegations, which were first raised with him more than seven months ago?

**Hon. Mr. Grandmaitre:** The honourable member is quite right. The allegations are very serious. The member will agree with me that a thorough review of these allegations has to be made before I decide what future steps to take. However, I can assure the member that the ministry is serious in reviewing these allegations and future steps will be taken very shortly.

**Mr. Partington:** No matter what the minister says, his staff has indicated that the results of the investigation were provided to him before the end of September. Why is the minister continuing to hide behind faceless bureaucrats who

conduct investigations behind closed doors? What is he hiding? Who is he trying to protect?

**Hon. Mr. Grandmaitre:** I assure the member I am not hiding behind any municipality in this province and I am not trying to hide the facts. I remind him, however, that I do not like to prejudge any municipalities on any accusations or allegations before I find out the truth.

#### NURSING HOMES

**Mr. D. S. Cooke:** I have a question for the Minister of Health. The minister will know that the Ontario Nursing Home Association had a press conference today, at which it asked for \$173 million in additional money. It said that if it does not get this additional money—and I quote from the press release—“without moving on our initiatives right now, we will only continue to operate in a way that falls short of residents’ true needs and their family’s expectations of levels of service.” In addition, Mr. Nightingale said that financial disclosure was a fact of life in the province with the Ministry of Health until 1979, when the previous government stopped collecting information on finances of nursing homes.

Before any additional money goes to the nursing homes of this province, will the minister table in the Legislature financial data that was collected from 1979 and prior and put in place the same type of process that apparently existed in 1979, where financial disclosure was the practice?

**Hon. Mr. Elston:** If I can, I will provide that documentation. I am not sure what sort of arrangements were in place before. If I can do that, I will provide the information.

**Mr. McClellan:** The minister should ask his deputy minister.

**Hon. Mr. Elston:** The deputy minister was probably not the deputy minister at that point. I presume he would have been an assistant deputy minister.

I do not know whether that information is available for me to table. I will look into that matter and provide the information if it is available. With respect to whether I would consider implementing the same sort of disclosure with respect to the financial information available, I can tell the honourable member I would be looking at a system that would reveal the information that is most essential for people to understand the operation of nursing homes. I am actively considering that, and it probably would not be the same type of information that was collected before 1979.

**Mr. D. S. Cooke:** Is the minister aware that one of the presenters at the press conference today, a Mr. Hunt from Extendicare, indicated that Extendicare’s return on assets is 13 per cent? Does he agree that there should be total financial disclosure before any additional money is given to nursing homes in this province, and does he agree with the Ontario Nursing Home Association that proper levels of care are not currently being provided in nursing homes? What is he going to do about it?

**Hon. Mr. Elston:** In answer to several questions: first, there will be no flowing of additional money to the nursing home industry until we are able to make appropriate contractual undertakings with it so that we understand very fully and clearly what is being purchased in terms of service to be provided to the residents of nursing homes right across the province.

We started, with the \$1.30 package which was announced in September, that trend of flowing additional money into the nursing homes. I intend to follow up on that, so that we will end up purchasing service so that we can follow through to determine whether the money was actually used in providing those services. I think that will provide us with a better system of accountability with respect to what money is being sent into the system.

With respect to the other questions, I do not know about the gentleman from Extendicare. I did not know those figures because I was not present at the press conference. I am pleased you provided those for me. We will take a look at what that really means in terms of money being flowed and the contradiction that appears between the two statements, that there is not enough money in the system and the return of that sort of money on their assets. I will take a look at what that means to see what we can do to assist the residents in the homes.

15:00

#### PENSION FUNDS

**Mr. Callahan:** My question is to the Treasurer. Recently, I think during the summer, there was a bill, and I cannot find the number of it, that was dealing with superannuation pension funds for teachers. My recollection is that it went back to people who retired after 1982. I have been receiving a number of letters in my constituency office and also here at Queen’s Park, as I am sure many of the members in this House have. I would ask the Treasurer whether any consideration is being given to dealing with the issue beyond

1982 to deal with people who retired prior to 1982.

**Hon. Mr. Nixon:** Yes. I have received a number of letters from teachers who retired before 1982 whose pension is calculated on their best seven years rather than on their best five. The people who are retiring under the best-five circumstances are paying an extra 0.9 per cent in their contributions to the pension fund. If we were to decide or to advise that the pensions for people who retired before that change were to have the advantage of the best five rather than the best seven, it would mean they would have the advantage of the payment without having paid the premiums, so to speak, and it would cost the consolidated revenue fund about \$65 million a year in the process.

The matter was discussed fully in the Legislature during the Treasury estimates, and I advise anybody who wants a fuller explanation to look up the appropriate Hansard. The matter, however, has been referred to the Public Sector Pensions Advisory Board.

#### ONTARIO PROVINCIAL PARKS COUNCIL

**Mr. Pierce:** Maybe I am running late on my news releases, but I am not sure whether there has been a cabinet shuffle on the other side of the floor.

My question is to the Minister of Natural Resources, who has taken up the seat of the Minister of Labour (Mr. Wrye), who has been replaced by the Minister of Education (Mr. Conway).

**Mr. Speaker:** And the question is?

**Mr. Pierce:** My question is to the Minister of Natural Resources. I was very surprised to read the minister's recent news release regarding the appointments to the Ontario Provincial Parks Council. My surprise has to do with the lack of representation of northern Ontario on the parks council. Why has the minister, as a minister representing the acclaimed party for the north, excluded representation north and west of Sudbury and appointed only two members to represent all of northern Ontario on this important Ontario parks council?

**Hon. Mr. Kerrio:** At the outset, to have two members from northern Ontario on my parks council and my advisory council seems very appropriate. I am thinking in terms of all across the province being represented on the parks council. If the honourable member is disturbed because I have changed the parks council and if some of the people he would like there are no longer there, well, them's the hazards.

The other thing is that it is within my prerogative to put more members on the board, and I am undertaking right now consideration of another couple of members. When that happens, I will let the member be the first to know.

**Mr. Bernier:** Supplementary?

**Mr. Speaker:** I will certainly see that you get one on Monday. The time for oral questions has expired.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr. D. R. Cooke from the standing committee on finance and economic affairs presented the following report:

The committee refers back to the House the matter of closures and layoffs highlighted by Kimberly-Clark in Terrace Bay; E. B. Eddy in Nairn Centre; Good Year Tire and Rubber Co. in Etobicoke; the waferboard plant of Great Lakes Forest Products in Thunder Bay; and Falconbridge in Sudbury, as suggested by the Premier (Mr. Peterson) and accepted unanimously by the committee on November 27, 1986. Further, the committee refers back to the House the estimates now before the committee.

Your committee finds that the importance of the matters referred to it in its original mandate, namely, the budget review, corporate concentration and including Bill 116, which it has already started to deal with, makes it impossible to accept additional items as important as plant shutdowns.

**Mr. Speaker:** Can have the attention of most of the members? There are quite a few private conversations. Order.

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Breaugh from the standing committee on the Legislative Assembly presented the committee's report and moved the adoption of its recommendation:

Your committee recommends that the provisional standing orders adopted on April 28, 1986, and amended on October 23, 1986, be continued until 12 midnight on June 18, 1987.

**Mr. Breaugh:** This is simply one recommendation to extend the provisional standing orders, which will expire on December 18.

**Mr. Speaker:** Order. I see about eight or nine private conversations taking place, which make it most difficult for the member for Oshawa. Will the honourable members pay attention?



**Mr. Breagh:** This simply has the recommendation to extend the provisional standing orders until June 18, 1987. I will adjourn the debate now and hope that the order will be called in the foreseeable future, more specifically before December 18, 1986, so that the House may deal with the matter.

On motion by Mr. Breagh, the debate was adjourned.

**Mr. Breagh:** I have a second report.

Mr. Breagh from the standing committee on the Legislative Assembly presented the committee's report as follows:

Your committee condemns the pre-emptive action of the Attorney General in introducing conflict-of-interest legislation prior to receiving the committee report on the Aird report as instructed by the Legislature. The Attorney General's action is insulting to the Legislature and its committees, is contrary to established parliamentary practice and undermines the committee's effectiveness.

**Mr. Breagh:** Briefly, some further deliberations may take place about calling the member before the bar of the House or imposing other sanctions we may creatively think of. Suffice it to note that we determined that there is a problem when a matter is referred to a committee for its consideration and legislation is introduced before the committee has an opportunity to report. I anticipate that by Monday we will have that report ready for the assembly.

15:10

## INTRODUCTION OF BILLS

### ASSESSMENT AMENDMENT ACT

Hon. Mr. Nixon moved first reading of Bill 167, An Act to amend the Assessment Act.

Motion agreed to.

**Hon. Mr. Nixon:** I am sorry the usual little squib was not there. It was provided to me with the bill, but I somehow shuffled it off somewhere.

The act I have introduced has two main purposes. First, the bill will remove the need to amend the Assessment Act annually to prevent the automatic introduction of full market value assessment across the province. In this regard, it is the policy of the government for municipalities to request reassessment. This has been accomplished to date in 606 municipalities.

Second, the bill provides that condominium assessments, like all other property assessments, will not be adjusted each year. The bill will also direct the courts and appeal tribunals in the

matter of condominium appeal to adjust the assessment of the condominium so that it is at the same level of market value as that of all other single-family homes and condominiums in the neighbourhood.

### MOTION TO SET ASIDE ORDINARY BUSINESS

Pursuant to standing order 37(a), Mr. Harris moved that the business of the House be set aside so that the House might debate a matter of urgent public importance, that being the inability of the government of Ontario to ensure that retail store employees will not be subject to dismissal for refusing to work on Sundays, the failure of the government of Ontario to enforce the Retail Business Holidays Act, and the resultant confusion caused by the government's statements and actions with respect to this matter.

**Mr. Speaker:** This notice of motion was received at my office at 10:40 a.m. this morning, so it complies with standing order 37(a). I will listen to the honourable member for up to five minutes, as well as to representatives from the other parties.

**Mr. Harris:** By now, it is readily apparent why this matter should be debated today. Not only is it the last day of our week before we come into a very busy holiday Sunday, but also the confusion in the public's eyes should be lessened. This matter has been raised repeatedly with warnings to the government that it was becoming a bigger problem as every day went by; in fact, any response has caused more confusion and more problems.

I regret very much that this debate need take place today. On January 6, 1986, after some confusion about the Boxing Day sales, a statement was made to the Legislature by the then Solicitor General, the member for Kingston and the Islands (Mr. Keyes), commenting on the problems that took place on Boxing Day and the confusion that took place close to a year ago with respect to the Retail Business Holidays Act.

There has been ample warning that there are problems. There has been ample warning for almost a year that the problems would escalate as we came closer to the holiday season of 1986. Because the government was not doing anything, the Conservative Party set up a special task force to tour the province to receive input on the matter from store owners, councils, shoppers and the interested public.

Those recommendations are contained in that task force report and are a matter of public record. Being an opposition party, that really was

the extent to which we were able to go. We not only pointed out the problem, which the government acknowledged last January, we not only pointed out that it is not something one can sit on and hope it will go away, but it is also something a responsible government has to deal with. The government was not responsible and did not deal with it.

Some of the very confusing statements that are being given to people have been pointed out today. We have a problem of employees who are faced with two options, one a fine of up to \$10,000 for breaking the law, subject to being charged. They have that on one side. For many employees—we have pointed out several examples and I am sure there are hundreds of others and there will be thousands if this is not cleared up—their other choice is to be fired or to lose their jobs. That is no choice at all and it is not acceptable to put people into these positions.

Today, the Minister of Labour's (Mr. Wrye) office answers to these queries: "I do not know. I did not hear anything about that." The office of the Minister of Consumer and Commercial Relations (Mr. Kwinter) says, "No, you do not have to worry; you cannot lose your job." The office of the Solicitor General says, "I rather doubt it; there are not enough police to control the situation." The Attorney General's (Mr. Scott) hotline says: "The chances are not very good that you will be charged. However, you are taking a calculated risk."

It is pretty tough to go to the bank with those kinds of answers. Other answers were pointed out earlier today from the hotline: "I cannot give you any advice; phone back Monday; write us a letter; and use your own discretion."

We also have the problem of small, independently owned stores that will have very difficult staffing problems. As was pointed out today, we have stores in malls that are subject to fines by their mall agreements if they do not open when the mall is open.

I regret this debate has to take place, but somewhere, somebody has to face up to his responsibilities and act in a responsible fashion, and it is appropriate that this be laid before the people in this special debate today.

**Mr. Mackenzie:** I rise on behalf of my party to support the motion for an emergency debate. The reasons for it are relatively straightforward and clear.

Unfortunately, the trickle towards Sunday shopping has become a literal avalanche. I think it is because of some of the moves by many of the major chains and malls to announce they are

going to open this coming Sunday. A number have opened over the past period.

It also seems to me there is more than a bit of truth in the comments made by the Roman Catholic Church spokesman in the December 3 issue of the *Toronto Star* or the *Globe and Mail*—I am not sure which one—where he said there was a kind of legal terror tactic going on in an effort to break the government's will and endurance in terms of Sunday shopping.

The reason we have the problem is that this government has not been willing to tackle the problem. I admit it may be a difficult situation, but what is happening to us now is that we are literally making a mockery of the law in Ontario. It is currently not legal, but the avalanche of defiance of the law is resulting in the public on both sides of the issue not knowing what to expect, what to think and whether it is respectable and perfectly all right to break the law of Ontario.

What does not get considered in much of this current situation is the position employees are in. The Attorney General did a major disservice to workers as well as to store managers in his comments yesterday: "Tell your people not to worry about being fired. Nobody is going to be fired." The members of this House should recognize there is no protection currently under the Employment Standards Act. One of the things we have been promised by the Minister of Labour was not one of our priorities, but if he was going to bring in amendments to the Employment Standards Act, unjust dismissal would have been one of them.

## 15:20

We also know that amendments to the Employment Standards Act, though promised for a long time and covering items besides unjust dismissal, have not even been before the cabinet to the best of our knowledge, so we are not close to the kind of amendment that might have been used by employees to protect themselves.

The only hope a person has now is to take a complaint to the Ontario Labour Relations Board as an individual and on his own and hope he can go through the long procedure, which becomes more legalistic every day, in the hope he might get some redress. If he does, it will be months after the fact.

In fact, if you have been through labour proceedings you know there are not many people who would be fired straight out because they refused to do the work. There are a thousand and one ways you can get rid of employees over a few days if you do not want them. A worker might

have even more difficulty proving it related to the fact he did not want to come in to work on Sunday.

I have a number of examples here. A florist called us from the Limeridge Mall. A woman who had already been scheduled to work 48 hours during the week was now being told she had to work on Sunday, which would bring her up to 54 or 56 hours. There are a number of articles from which I do not have time to quote, but which clearly indicate the insecurity and unsureness, not only of the straight employees but also of those who are at the management level in a small store in one of the major shopping malls.

These people do not know where to turn and there is no current protection for them in Ontario. We are seeing a literal avalanche of openings and a deliberate defiance of the law, regardless of what one might think of that law.

That cannot be allowed to continue if there is going to be any respect for the law. If this is going to be the approach, then procedures, laws or avenues of appeal have to be put into place to protect people so that they are not hurt. Almost half the population of Ontario is now in the service industry. The number of people in usually lower paid jobs in shopping centres is amazing.

If the way is going to be to open these stores—I think that is not the proper way, but if that is going to be the approach—then careful steps have to be taken to put in place the kind of protection people need, women in particular, because the majority of these employees are women. Many of them are married women who would like to spend time at home on Sunday with their families.

The government has not done that. I do not think it can bring in a bill as quickly as it says. It is important that this be discussed in this House.

**Hon. Mr. Nixon:** I agree with the first two speakers that this is a matter of urgency and public importance. We are not going to object to the debate continuing.

I want to express a certain degree of regret because, frankly, we were looking forward to having aired in the House the debate that was originally scheduled. That was to deal with the conflict-of-interest reports, not that pleasant a subject for the members of the government party or anyone else for that matter. I know the member for Oriole (Ms. Caplan), who was here expecting to listen with great attention, was somewhat concerned that this important matter was being postponed once again.

I put that forward because it is a matter of regret for me. I was hoping that debate would be completed, but it can be rescheduled. Specifically, we have no objection to this. We think it fits quite clearly into the requirements of the section of the standing orders and we welcome the debate.

**The Deputy Speaker:** Having heard from each of the three parties, I will therefore put the question. Shall the debate proceed?

Motion agreed to.

**The Deputy Speaker:** May I remind the House that each member has 10 minutes.

### SUNDAY TRADING

**Mr. O'Connor:** I welcome the opportunity to participate in this emergency debate on a critical subject for the people of Ontario.

There has been a significant problem which I am thankful has been recognized by the members of this House. They have agreed to enter into an emergency debate on this matter. In this regard, I might just quote the Premier (Mr. Peterson) of this province, who said, the current law is “‘very close to being unenforceable’ and is out of line with changing public opinion,” a statement with which I agree.

The interesting point about that statement is the date on which it was made: January 6, 1986. Almost a year ago, the Premier recognized the problem that was facing this province at that time in terms of the unenforceability of the current law because of its flagrant abuse by retailers across the province.

The interesting thing to note is that following the recognition of the problem by all parties, the government apparently has done absolutely nothing in the intervening year. Our party saw fit to strike a task force which travelled this province, held public hearings in about 12 cities, heard from approximately 1,130 groups and associations by way of briefs, letters and oral presentations, and thereafter drafted a report and presented it to our leader. After discussion in caucus, the report was adopted as the position of this party in regard to this important issue.

Particularly in the light of the comments that are occasionally thrown across the floor by the members of the government on where we stand, I emphasize that this is the position of this party on this issue. All they need do is obtain a copy of this report, read the summary and they can see very well where we stand on this important issue.

Our primary, number one recommendation is that there be a common pause day in Ontario. The Retail Business Holidays Act should be main-



tained in its principal premise; that is, we should keep Sundays closed primarily for recreational purposes and for a common pause day for use by the family to enjoy together for recreational and perhaps religious purposes. I emphasize that there should not be wide-open Sunday shopping.

We then go on to recommend certain amendments that should be made to the act to bring it up to date to give effect to changing attitudes in Ontario. Those amendments include some broadening of the right to shop on Sundays, particularly on Boxing Day. It should be recognized that Boxing Day has been held as a special day for the trading in of gifts, for sales and perhaps there is a genuine demand for shopping on that day.

We made one other significant point with regard to enforcement of the statute that is particularly relevant in the light of what is happening now. We recommended and pointed out in the course of our conclusions that the \$10,000 fine that is now a part of the statute is totally inadequate. It is merely a licence to carry on business for large retailers who make much more than \$10,000 on a given Sunday, particularly Sundays prior to Christmas, and they can therefore freely open their doors, pay even the maximum fine and still enjoy quite a handsome profit.

We recommended that the penalty section should take away the incentive to open one's doors on a Sunday. We suggested that the fines should be equal to the amount of the gross revenues earned by the violator on the day the offence occurred in addition to a penalty of up to \$10,000. If every cent of the gross profit the retailer earned on that day was taken away from him and if he was subjected to a fine, there would be little incentive to operate on Sundays.

What has the government done in the past year? Absolutely nothing. It has sat on its duff awaiting the results of the appeal to the Supreme Court of Canada. That is not good enough. There is a responsibility of a government in a democratic society to see that the rule of law is upheld. If we succumb to mass violation of the law, the way this government seems prepared to do on this issue, then we open the doors to chaos. We send a message, a signal, to the people of this province: "If there are enough of you out there who want to break the law, go ahead and break the law. We are not going to do anything about it or do anything to enforce the law."

**15:30**

We suggested yesterday to the Attorney General (Mr. Scott) that we were prepared to

support quick passage, in a single day, of an amendment to the penalty section to significantly strengthen and stiffen the penalty, thus to attempt to dissuade retailers from opening. He rejected that out of hand, indicating we should not do it while the matter was before the court.

What hogwash. The matter before the court is the principle of Sunday shopping. Our amending of the penalty section would have no effect whatsoever on the deliberations of the Supreme Court of Canada or when it might issue its decision. I urge the government to consider that option as still being available to it.

The reports and comments we got clearly demonstrate the lack of initiative, the lack of position and the chaos that exists within the government on this issue. Its right arm does not know what its left arm, or any other arm of the government, is doing.

Some of our research staff phoned various ministries to ask them certain questions, particularly about the rights of employees, who are being pressured and persuaded by their employers to attend work on Sunday and who are very fearful of what might become of them should they go to work while their employers are violating the law.

Some of the responses we received were very interesting. From the London constituency office of the Premier (Mr. Peterson) came a reply to this question: "I am a part-time worker who has been asked to work this Sunday. Will I be subject to a \$10,000 fine?" The answer was: "No, it is only the owners. You have no liability. You cannot be fined or harmed. It is only the owners who can be charged."

However, in asking the same question on the famous hotline of the Attorney General we have heard so much about, the answer was: "The chances are not very good that you will be charged. However, you are taking a calculated risk. It is not feasible for the police to charge everyone." I suppose that means if there were enough police, everyone would be charged. It was directly contradictory to the advice coming from the Premier's office.

The office of the Minister of Housing (Mr. Curling) was asked the same question. The answer was: "No way. It is only the owners or the corporate executives who could be charged or fined."

The Minister of Labour (Mr. Wrye), who should know about this issue because we are dealing with the right of employees to work, answered: "I do not know. I did not hear anything about that."

The office of the Minister of Consumer and Commercial Relations (Mr. Kwinter) replied: "No. It is only the store owners who can be charged. You do not have to worry, and you cannot lose your job either."

What kind of confusion and conflicting message is the government giving to these people? Why does the government not take some positive steps to attempt to remedy this situation? Primarily, why does it not amend the law to increase the penalty to provide an adequate dissuasion to employers from opening up on Sundays? Why does it not consider taking the initiative? Why does it not meet with the chief executive officers of some of the major retail corporations that intend to open to attempt to persuade them to back off, show respect for the law and show some leadership in this field?

Why does the Attorney General not order his crown attorneys to insist that the charges before the courts continue before the courts? They are being routinely adjourned pending the Supreme Court of Canada decision.

There are many things the government could be doing. For some reason, it has chosen to do absolutely none of these. It has taken no initiatives. It has not determined the wishes of the people of this province, as we have through our task force report. The lack of initiative, the lack of anything in this regard, has led to chaos out there and has shown a despicable disregard for the law by this government.

**Mr. Rae:** I rise to take part in the debate because it is clear that this issue extends well beyond the simple question of Sunday opening. It also extends to two other areas that are of great concern to me; the first is the law, and the second is the rights of working people, their working hours, their time and their protection under the law. It is in the light of both of those issues that I want to participate in this debate on behalf of my party.

What has become especially troubling is the sense in the corporate boardrooms—and one might almost speak of crime in the suites, to say nothing of crime in the streets—

**Hon. Mr. Nixon:** That is the second time this week you have gotten off a good one.

**Mr. Rae:** I thank the Treasurer.

For the record, because television does not carry heckles, as much as we would like it to, the Treasurer said it was the second time this week I had gotten off a good one. I appreciate that. I do not know what other one he is referring to.

**Hon. Mr. Nixon:** I cannot remember it in detail either.

**Mr. Rae:** He says he cannot remember it either, which is an increasing problem for people of the Treasurer's—

**Hon. Mr. Nixon:** Age? Colour? Sex? Religion?

**Mr. Rae:** Experience. Political persuasion. Political orientation.

I would like to speak on behalf of our party with respect to these two issues, which are of extreme importance. The first, as I say, is the question of respect for the law. What has concerned me over the past period of time has been the determination on the part of an ever-growing number of people in the business community to take the law into their own hands. They have done so with considerable impunity, and they have managed to do so without, in our view, the kind of deterrent factor that is necessary.

It is entirely appropriate for us to ask the question, as many have asked and not on a rhetorical basis, what is the legitimacy of our law if people feel they can disobey it with impunity?

**Mr. Callahan:** I thought the unions did that.

**Mr. Rae:** I am glad to see my friend the member for Brampton (Mr. Callahan) is here today. It is obviously a very slow day in the courts. I am sorry his practice is not going better. I am sorry his practice has deteriorated to the point where he actually has to come into the Legislature in the afternoon. He made the kind of anti-union comment we have come to expect from the Liberal Party, saying the unions disregard the law.

**Mr. Callahan:** All I said was the unions disregard the law sometimes.

**Mr. Rae:** I would not say they disregard the law; but when breakages of the law take place, people are punished and fined and jailed, for heaven's sake. Grace Hartman went to jail. Lucie Nicholson went to jail in this province. When hospital workers in 1981 went out on a strike that was declared by the Ontario Labour Relations Board and the courts to be illegal, workers were fired; not one or two, but in the dozens. Some of them are still out of any work in the health care sector.

Therefore, I say to the member for Brampton, it is all very well to make the kind of anti-union comment that may go down well in the rarefied business circles in which the member travels, but when one actually looks at what is going on in the streets of this country, it is of increasing concern that it is increasingly the case that there now are two laws, one that applies to everybody else and



one that applies to this group of individuals who are so determined to break the law. A charge is laid, and the charge is regarded as the equivalent of a traffic ticket; it is regarded as simply the cost of doing business.

To which one can only reply that it is never acceptable in a civilized country for people to break the law without having to take the consequences. That is the issue. We are all prepared to accept that people have a right to disobey civilly if that is what they feel they have to do, but they should not do so thinking they are above the law. The law has to apply to everybody. The leader of our party in Newfoundland is in jail today for the simple reason that he wanted to go on a picket line. He walked on the picket line for 15 minutes; for that, he was put in jail for two weeks.

I question many things, but I question the fairness of a justice system that does that to an individual, yet when it comes to dealing with a piece of legislation that is very clear about respecting a day off for the people of this province, these people say: "No. I can make a buck on that day off, and I am going to make that buck. I am going to make enough money so that I can afford to pay the fine every Sunday I am open. That is the way I am going to do business." That is not acceptable.

#### 15:40

The other reason it is not acceptable has much to do with the very basic question of the protection of working people. What troubles me more than anything about what has taken place in the past number of weeks and what has escalated this past week in particular is that management has been putting working people in the position of having to break the law. They are putting them in the position of having to work an additional eight-hour day. It is bad for working people. It is also bad for small business.

I want to stress this point. If we have a kind of Las Vegas environment, by which I mean an environment where stores are open 24 hours a day, seven days a week, and if that becomes increasingly the rule right across the province, the businesses that are going to get hurt by that are smaller businesses run by their own managers and owners. Those are the people who are going to have to stay working those 12-hour days, seven days a week. Lord knows what the limits will be unless it is something that government and the community decide they are going to stop because they want to protect the right of people to have a day off. Small businesses deserve the right

to have a day off and to do it without losing business, as do working people.

What troubles me more than anything else about what has taken place is that working people are being asked, expected and required to work and are being told in some cases not even to discuss their own private views with respect to whether they should be required to work. They are told to come in. They are not being paid overtime. They are not being paid double time for working on Sunday, as is the case in many industrial establishments where working on Sunday is the rule. I think all of us will agree that is an unfairness.

There is one thing I found really unacceptable in the way the government has handled this thing in addition to its unwillingness to use the full force of the law on those who are breaking it. It is quite obvious the Liberal Party is divided on this issue. Its members cannot make up their minds which way to go. Many of them have expressed a personal preference that anything goes on a Sunday. I think that is a fair reflection of our society; people have divided opinions on it.

What especially troubles me, though, is that the Attorney General is holding himself out and saying: "Bring me your huddled people out there who are losing their jobs. Pick up the phone, tell me, and I will make sure you are okay." The Attorney General has no business doing that, because he cannot. If he is saying to workers that they can get the protection of the law in Ontario, he is misleading the workers of the province. If he is saying the protection is there and he can pick up a phone and order X, Y & Z Co. to do X Y and Z, he is not living in Ontario.

It is said that power goes to one's head, a problem that none of us in this party has ever had to suffer from, but it is perfectly clear that is what has happened to the Attorney General. It is a sad day for all of us when the Attorney General goes running around, saying: "I am the one who can solve your problems. I am the one who can step in and deal with it. I am the one who can make it all better." That is not the way it works.

What we need in this province is a law that protects people, that ensures they have time off and days off, that ensures they have time to spend with their families and that ensures working time is shared more fairly in the province than it has been to date. That is the kind of law we need.

Finally, we need a government that is prepared to deal with the law as it now stands in this province. We need a government that will see that it is dealt with fairly and that the people who break it are in fact treated firmly by our court



system, which up until now has not been the case.

**Hon. Mr. Nixon:** I have already indicated that I and my colleagues think this is an important debate. We do not feel the government has handled the matter badly, but we are critical of the resolution of certain business establishments to take the law into their own hands.

Section 1 of the Retail Business Holidays Act defines Sunday as a holiday under that act.

Subsection 2(2) states:

"No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

"(a) sell or offer for sale any goods or services therein by retail; or

"(b) admit members of the public thereto, "on a holiday."

That is the section that closes establishments, with certain exceptions, with which we are all familiar, on Sunday. That law has been upheld by the Supreme Court of Ontario; it has now been appealed to the Supreme Court of Canada. While we are awaiting the disposition of this matter by our nation's highest court, some business establishments, driven by avarice, I suppose, and competition, have decided they will break the law. They are doing it with careful thought and simply rejecting the law-abiding status we have normally expected them to have.

My friend the member for Bellwoods (Mr. McClellan) thinks that is amusing. I do not know what is funny about it; I think it is very serious.

Frankly, as I thought of some of our senior retail establishments simply announcing they were going to break the law, I could not believe it. I have never been a great fan of the political stance of the owners of T. Eaton Co. Ltd., but I felt it was in the grand tradition of Timothy E. when his descendants announced they were not going to break the law. It warmed my heart. I was also interested to note that Marks and Spencer, not an indigenous Canadian firm but a British firm, made the same announcement.

I bring to the attention of the honourable members that Robert Simpson Co. and The Bay announced today that their stores would remain closed as well on Sunday, pending the release of the decision of the Supreme Court of Canada. I quote from their statement: "The Attorney General has lectured us in the media and we have listened."

As a result, the traditional respect for law and order is being maintained by the senior corporate citizens of this province. The rest of them, in breaking the law, have been charged; they are not

going to be proceeded with, pending the decision of the Supreme Court, which, as the Premier indicated and as had been announced by the court, will be handed down on December 18.

There is no doubt that the competition of the pre-Christmas season, that lovely season of religious exercise and recognition, has somehow spurred the avaricious, competitive retailers to move in this direction. I regret it, and I am sure many of them regret it as well.

Frankly, I was very pleased and proud of the statement made by the Attorney General, and reiterated by the Premier today, that we would use whatever powers we have—and members know they are extensive, as long as the Legislature supports us—to see that no one loses his or her job as a result of being forced to work on Sunday. The Premier indicated that if it is necessary to have additional legislation, we are prepared to undertake that. But since we are graced by so many of Her Majesty's counsel learned in the law today—

**Mr. O'Connor:** They are all over here.

**Mr. Warner:** Name names.

**Hon. Mr. Nixon:** I do not want to say anything further about that.

However, they must realize that there is, if not ample protection, substantial protection for anyone who might feel himself or herself coerced by his or her employer into working on Sunday in an inappropriate manner. I state that any person who has forced an employee to work on a Sunday could be charged under sections 77 and 78 of the Provincial Offences Act for counselling or procuring another person to be a party to an offence.

I have already read section 2 of the act we are discussing this afternoon to indicate that it is illegal to sell, and if somebody coerces or procures to do that, it is an offence. This is something the retailers in the province might consider, because if the law is upheld by the Supreme Court, as the Attorney General stated clearly—and we naturally support him on this—the law will have to be enforced.

The leader of the New Democratic Party has indicated that members of the House are divided on whether the stores should be open on Sunday. This is not a debate in which we are going to indicate what the policy of the government is. The policy is to uphold the law.

I happen to live in a community—and I know the honourable members will recall that I refer to it frequently in my comments to the House—where there is one grocery store, and it is open on Sunday.

**Mr. Ashe:** What?

**Hon. Mr. Nixon:** Sure. It is open on Sunday, and the elders of the United Church and others do not feel themselves committing any mortal sin when they go up there to buy a carton of milk and a loaf of bread if they find that the minister is coming to dinner unexpectedly. I am not so sure it is a sinful matter.

**15:50**

My own view is that it is up to us to protect, more than anything else, the position of the workers in this province. We can argue for a long time about whether there is additional profit in a wide-open Sunday when we realize there are only so many dollars to be spent by the consuming public. If all the stores are open, it is not an indication in any way that more money is going to go into the coffers of the retailer or into the Treasury of Ontario on the basis of extra sales tax.

There is some indication of what the effects would be, but that is not a matter we are debating today. We are here to recognize that the law has been established by this House in the not-too-distant past, and we have been trying to discuss what year it was passed.

**Mr. O'Connor:** It was in 1976.

**Hon. Mr. Nixon:** It was in 1966, thank you.

**Mr. O'Connor:** It was in 1976.

**Hon. Mr. Nixon:** It was in 1976, that is right; another minority House. I recall some of the discussions. Some of the better aspects of this law were written on the back of an envelope in a late-night session. I recall the Liberal Party was sitting in the far corner of the House. That was where a good deal of the wisdom emanated from, now that my memory is clarified.

However, the statute is there and it has been confirmed by the Supreme Court of Ontario. It is regrettable—I would not even say understandable—that so many retail organizations have decided to take thought and to flout the law of the land; an unbelievable situation. The only remnant of good that has come out of it is that the senior retailers have drawn back from that, even those who have said they were going to do it. I commend them for that decision.

The Attorney General has stated that once the Supreme Court has brought down its decision in regard to this important and sensitive matter, it will be his responsibility to enforce the law. He has not equivocated on this in any way and many charges have been laid.

I have been interested to note that a good friend of mine, Tim Danson, is the lawyer for Paul

Magder, who has been charged Sunday after Sunday for opening his furrier shop on Sundays. The notoriety of this has probably brought him almost as much in business as he might have to pay in fines. It is that initiative that has led this matter to the Supreme Court and that is where these things should be settled. If the Supreme Court finds the law is somehow invalid, then this House will be asked to make some other decision.

Even if it is found to be valid, the views expressed by the official opposition in at least one aspect of its policy on an open Sunday and the views expressed by other parties indicate that the House should give it additional consideration. I am sure it will in the course of this discussion this afternoon and subsequent discussions.

The government has acted responsibly in this matter. We have not abdicated our duty. As an opposition party, we participated in the establishment of this law in 1976, as the members have told me and I now recall, and the law has recently been validated by the Supreme Court of Ontario. It is being tested in the Supreme Court of Canada and anyone who opens illegally on Sunday is being charged.

On the basis of government policy, it is not thought appropriate to proceed with those charges until the Supreme Court has handed down its decision. It is the policy of the government. We think it is reasonable. Any reasonable person, in our view, should support it. I cannot possibly imagine any thoughtful member of this Legislature criticizing us on that basis.

**Mr. Dean:** I want to remind the members of the Legislature that when the issue first came up about a year ago, though in a serious form more recently, our party established a task force to discuss extended hours for shopping. That task force had hearings over a large sector of Ontario, at some of which I was privileged to be present.

You will probably recall, Mr. Speaker, the task force discovered that there was little support in any part of Ontario for more wide-open Sundays and that objections to substantial changes to the present acts the Treasurer has referred to came from all parts of society.

I will quote a few of those to remind us we are not speaking in isolation; we are speaking with the support of people from various groups and from various parts of the province.

First, there are the church groups. One that we heard in Hamilton pointed out: "Our opportunities to shop are not seriously hampered by limiting it for one day a week. Provision of



unrestricted shopping hours may meet the economic desires of some, but at the expense of the human needs of others. That is neither freedom nor justice. Freedom and justice require a legal framework which ensures opportunities for each person to be truly human, protecting the weak from the strong."

Lest somebody should say this is a Christian view that is also narrow in its own way, I will quote further from the same submission:

"Governments have a responsibility to protect the right of all people to worship. Since Sunday is the common noncommercial day for historical reasons, measures should be included in any legislation to allow those who worship on Saturday or Friday as much freedom to do so as possible."

We also heard objections from merchants. It is a common thought that merchants are the greedy ones, and perhaps some of them are, but there are others who are not. In the area near Hamilton and Burlington there is the Provincial Uniform Store Hours association, which also opposes this idea and says the purpose of the association is to foster and promote the adoption and maintenance of good store-hours bylaws.

In all parts of Ontario, thousands of retailers and their employees come under this act. They very much deplore the action of some retailers in flouting the law. They ask: "How do we expect to have our citizens, especially our young people, respect and adhere to it when businesses want to change the law by breaking the law?" There is a due process to change that and we know this place is part of it.

The Consumers' Association of Canada has gone on record as being opposed to the extension of shopping hours, if for no other reason than that it knows it would lead to higher costs in the long run because of having to spread greater costs over roughly the same amount of sales. This has also been confirmed by the Ontario Law Reform Commission, which has agreed that an estimate of the increase in price if there were a wide-open commercial Sunday would be from 0.5 per cent to 1.5 per cent if every store in a class were to open on Sunday.

The Treasurer has already mentioned Marks and Spencer as an organization that is not in favour of disobeying the law. We had a submission from them saying very firmly that they oppose it for the very simple, practical reason that they would not make any more money. The retail dollar is just spread over longer operating hours, increased energy costs, increased cost to the municipality and, eventual-

ly, increased cost to the consumer in higher prices and a decrease in the quality of in-store service. They cite this as their experience in comparing trading patterns across Canada. This was also supported by other, smaller retail organizations in Hamilton and thereabouts and by many individuals.

I will quote from one of them. Here the emphasis is similar to what other speakers have said:

"Sunday is an extremely important chance for families to spend time together. Children are out of school. Most working people have the day off. We should keep the family strong by maintaining the common pause day, for there are few opportunities for mother, father and the children to be together.

"Do not impose an additional hardship on the families least able to afford it, for as you know, a significant number of the retail store staff are married women. What are you prepared to do"—in this case, they meant our task force as representing part of the Legislature—"to provide day care service, for most day care centres do not operate on Sunday?"

**16:00**

I will quote someone else who had something important to say about Sunday hours. That was Roy McMurtry, who may be remembered by some members in this chamber. In response to a letter a few years ago he said:

"The store closing law was enacted in 1975"—we had advice earlier that it was in 1976, but somewhere in that period—"for the principal purpose of preserving the quality of life in Ontario. It aimed to provide common days of rest on which retailing is cut to a minimum and leisure time and activities are encouraged. A number of exemptions are permitted to avoid hardship in communities to public retailers. The intent of the law is to maintain common days of rest for the labouring person."

We are advised that even in countries as diverse as Soviet Russia and Sweden, Sunday shopping is not permitted. We should make very sure we do not fall behind those countries in going to a less desirable social setup.

It is fitting to remind the Legislature again of the large expression of opinion that was registered here just two days ago with the filing of many petitions from people who thought it was not a good idea to have any further freedom of shopping on Sunday. It should be emphasized that the response to the People for Sunday campaign came from more than 1,000 communities with almost 98 per cent opposed.



Just as a matter of record, I would mention that in my own riding there were people from such communities as Binbrook, Fruitland, Stoney Creek, Vinemount, Winona and Hamilton. Those will not be everyday words to some members, but they are real, live places in my riding. In every instance, there were either no people who wanted an extension of shopping or far fewer than one per cent. The feeling is widespread in my riding and widespread all over Ontario.

We have already had a suggestion that there are so many exemptions to the law there are no real hardships for people who absolutely need something, as the Treasurer already quoted. Something that has not been mentioned as much as it should be is that there are law-abiding retailers who, if this kind of trend is permitted to increase, will suffer because they do not personally want to follow the course of the illegal operators. Some will feel compelled to open to meet the pressure of competition, even though it may be undesirable; others will probably say, "No, I do not believe in it," and they will suffer.

There are also instances where a tenant in a mall who may have objected to the mall staying open had threats made against him or injustice done to him later by the landlord. Sometimes the tenant was evicted; sometimes his rent was increased the next time the lease came around. That has to stop. The government must take steps to prohibit large landlords, especially owners of malls which may be operated by people far outside the community, from punishing the genuine local merchant who wants to do something contrary to mall policy. There has to be some remedy for the weakness that is leading to persecution by some large owners.

I know the majority of this House is in favour of upholding the law. The government is doing something about it and I hope it will not lose its will.

**Mr. Swart:** I am pleased to rise and speak on this issue because it is a matter about which I feel rather strongly. I suppose it might be thought that as consumer and commercial relations critic I am in support of store openings on Sundays because the majority of the public apparently is in favour of it. With all of us, what the public thinks is always a compelling argument in favour of how we should conduct ourselves and in favour of how we should vote.

The Toronto Star poll taken in May 1986 indicated that 33 per cent of the public was opposed and about 66 per cent was in favour of having stores open on a Sunday, although it is

fair to point out that those who disagreed strongly were two and a half times as many as those who agreed somewhat. Nevertheless, the majority of the public is apparently in favour of the stores opening. That has to be a factor in our decision on these matters.

However, as has been said in this House, particularly earlier this week, our responsibility has to go further than interpreting what we think the public wants at all times. We have a responsibility, as legislators, to look at issues in depth, to think what the outcome of what we are going to do or not do will be years down the road and make a decision based on those factors as well as what the public may think at any current time.

This is not to be critical of the public's views on any issue. It cannot be expected to have the background and research information that is available to us. Therefore, if we are going to do a job properly, sometimes we have to make decisions that may be contrary to a substantial proportion of public opinion. I feel that way about this issue.

I have been puzzled about whose responsibility it is that we are at the point we are now on this issue. We have the law in this province that says rather clearly that stores may not stay open on Sundays if they are above a certain size. We have almost a flagrant breaking of that law.

I cannot condone those who are breaking the law, particularly those who started it, and I recognize the difficulties of those merchants if their competitors are open on Sundays. They are put at a distinct disadvantage if they remain closed. I do not think that is enough of a reason to open. However, somebody started this. Most of the store owners say they are opposed to it; nevertheless the majority of them are apparently proceeding with the open Sunday.

It is fair to say that the government is not faultless in what has taken place. Sure, there was a prosecution launched, then that was appealed to the Supreme Court of Canada, and we have waited ever since. However, governments could have taken some action in other ways, such as passing legislation requiring store owners pay time and a half or double time for Sunday or something of that nature that would have deterred them from continuing, as it has. This government and the previous Conservative government failed to act.

This started back in 1983. As a matter of fact, it started in Welland, with one of the new sort of supermarkets that decided it was going to stay open. That is the case that is before the appeal

court. That was three and a half years ago. In that intervening time, the government could have taken action of one kind or another to have made sure it was extremely difficult for this situation we are faced with today to arise, where there is all this complete flouting of the laws of this province.

**16:10**

That if this is not stopped—and maybe we will know in a few days or weeks whether it is going to be stopped by the present legislation—I am concerned whether we will be able to change that legislation in this Legislature to prevent it if we find the legislation will not stand up in court. Certainly it is going to spread to other fields. If the supermarkets and department stores can stay open, why not car sales agencies as well? Why not real estate? Why not professional offices? All our commercial enterprises will eventually—

**Mrs. Marland:** Legal offices.

**Mr. Swart:** Legal offices, yes. I said professional offices. Members may not think lawyers are professional people, but I suppose we may have to concede that point; some people consider that they are.

All our commerce will be open. Sunday will be just like any other day. I agree with those speakers who have said there is some merit in maintaining a family day in our society. We all know that it is not perfect at present, that a lot of people have to work on Sunday and that many services need to be provided on Sunday. It is a trend of much of our industry now to work on Sunday.

I was in the paper industry. When I first went into the paper industry many years ago, it was true that the paper industry did not work on Sundays; but as the the member for St. Catharines (Mr. Bradley) and anybody else who lives in a paper town will know, there is not a paper company now that does not operate seven days a week, for economic reasons.

It still is true that the majority of people are off on the weekend. It is equally true, and all of us know this, that in at least 50 per cent of the families in our society now there are two wage earners. If we open on Sunday, it is just going to mean that many more families are not going to be able to be together on Sunday. I suggest that impact on our society is not beneficial.

I am also concerned—and I say this as consumer critic—that the end result of this economically will be that prices will be forced up. I do not think anyone can successfully argue against that. If we are going to open our commerce seven days a week, when it has been

open six, it is going to cost more to operate. The total sales are not going to increase enough to cover those additional costs, which are going to have to be passed on to the consumers of this province. I suggest it will be a factor in the prices we will have to pay.

I am concerned about the people who are going to be forced to work on Sundays. After question period today, there is nobody in this Legislature who does not know that what the Attorney General said yesterday was a lot of nonsense. All kinds of people who are going to be required to work on Sunday do not want to work on Sunday. The law may say a person does not have to work on Sundays—the law does not even say that; they may make a law to say that—but anybody who has been in an employee-employer relationship, especially where there is not a union, knows the kind of subtle pressures that can be brought to bear to cause people in a work place to do what they otherwise would not do. We are in an impossible situation at present. Clearly it has to be rectified.

Finally, I suggest that either the Attorney General or the Premier should be getting up in this House and saying that if these stores which say they are going to stay open on the next two Sundays or until the rulings come down from the Supreme Court are in fact going to open, the government is going to make retroactive legislation to penalize them, so they will know they are going to be penalized.

**Mr. Gillies:** On a point of order, Mr. Speaker: I want to advise the House that we just called the Attorney General's hotline again. They are no longer referring people to Gowling and Henderson.

**Mr. Speaker:** Order. The member may have a point of information or something; it is not a point of order.

**Hon. Mr. Bradley:** It is a pleasure to participate in this debate, because this is a matter of great concern. There are those in our society who have made or at least have suggested they will make a conscious decision to flout the law of Ontario relating to retail sales and the hours and days on which one can stay open. This is a matter of significance.

As the member for Welland-Thorold (Mr. Swart) has stated, we have seen a number of instances where people have decided it will be profitable to challenge the law. It is before the Supreme Court of Canada at present to determine whether the law is constitutional and appropriate. We expect the decision will be rendered by the Supreme Court in a short time.



This issue became particularly important when the leader of the Progressive Conservative Party indicated he wanted to see an open Sunday. I recall a news release put out by the member for St. Andrew-St. Patrick (Mr. Grossman), the leader of the Progressive Conservative Party, on January 8, 1986. It was issued by the Progressive Conservative Party. It says the following and is in quotation marks in the press release itself:

"The Progressive Conservatives—unlike the Solicitor General—start from the premise that the law should be dramatically broadened," Grossman said. "The government prefers to await the decision of the Supreme Court before acting. We choose to get the public input and study done now."

"The government is willing only to 'review' the legislation with no commitment to broaden it. The Progressive Conservatives are prepared to stand up and be counted, to say we must change the law to greatly expand Sunday shopping in response to demand. What the task force will do is establish how the law should be changed."

This is the Leader of the Opposition (Mr. Grossman), who waxes eloquently in the House and who expresses concern now about Sunday shopping, wanting to be on both sides of the issue.

**Mr. Mancini:** That is the Progressive Conservatives.

**Hon. Mr. Bradley:** That is the leader. Maybe the party has changed its stand, or maybe there will be a free vote and they can vote whichever way they want on this issue.

On January 9, 1986, on Radio Noon, David Schatzky was interviewing the Leader of the Opposition. One of the things the leader said was, "If the law is not changed, thousands of unemployed will be denied the opportunity of part-time work." He also said: "There is a need for the government to keep pace with what is happening out there. The law is too tight. Just look at the people out shopping on Sunday."

**Mr. Warner:** That was Phil.

**Hon. Mr. Bradley:** No. It was the Leader of the Opposition who said that.

Later, when a caller phoned in, he suggested that on one Sunday in four or six the worker could work in rotation, presumably whether or not he wanted to work, although it does not say that.

On Thursday, February 6, the member for Oakville (Mr. O'Connor) appeared on Metro Morning. He said the following: "I must admit we, reading the public view, feel there is a real necessity for some change, probably towards the broadening of the current laws." This is the

member who spoke earlier in the House. Perhaps he has changed his view; perhaps not. I am not quite certain.

There was the story by Lorrie Goldstein in the Toronto Sun on April 18, 1986, where the Leader of the Opposition was quoted as saying, "Our party does support a significant broadening of Sunday shopping—not just an expansion of designated tourist areas, but a significant change to open up Sundays."

This is the same party leader who has his members participate in a charade. They brought over all these boxes and put on a big show as though they were opposed to Sunday shopping. With all these statements that are on the public record, when the issue looks as though it is blowing the other way, the Progressive Conservative Party has either changed its mind or some of them feel one way and some feel another way.

**16:20**

I do not know what the position of the Progressive Conservative Party is, except as stated by the leader of the official opposition and to a certain extent by the member for Oakville, who was speaking on behalf of the party. It seems to me we have a party that is trying to be on both sides of the issue. Is it? Is the party in favour of Sunday shopping for all the reasons the Leader of the Opposition says—and he obviously said that in good conscience at the time—or is it opposed, as it would like to let the public think, through the member's statements today and the questions in the House? I do not know what it is, but I always thought the leader spoke for the party. In this case, I notice the party is on record as being in favour of broadening Sunday shopping and of having almost a wide-open Sunday. Therefore, we know the position of the Progressive Conservative Party on this issue.

However, let us look at the situation that has arisen. I join all members of the House who have indicated there would be a need for the enforcing of the laws as the former Solicitor General and the Attorney General have suggested there would be a need for. The Attorney General was very adamant. He indicated clearly that he expected the law to be adhered to. The Premier said the same thing. This government has resolved that it will charge any and all who have violated the Sunday shopping law that currently exists.

I strongly support the position that states we should be prosecuting those who are violating that law. Nevertheless, it was disconcerting—and the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson) will agree with me—when some of the major corporate retail leaders in this province



indicated they were going to break the law. I am pleased now, as the government House leader has indicated, that they have changed their minds, in some cases because the Attorney General stated openly that he wished them to do so and that they were breaking the law.

That is as it should be. The government House leader, the member for St. George and other territories in that part of the province, has indicated it is unlikely we will see an expansion of retail activity through Sunday shopping but what we will see in effect is a distribution of it over seven days instead of six days. There are still strong proponents of it out there, particularly those in remote tourist areas, but I think the general consensus is that if people think it is going to create a significant number of more jobs in this province, that is unlikely to happen.

Therefore, we will have a situation where people feel uneasy. The workers in this province who wish to have Sunday as a day of rest should not be forced to work on Sunday, and that is something this government has indicated very strongly to employers and to owners; that they should not be forcing those people to break the laws of the province and, in some cases, to break the laws they consider to be important in terms of their own moral and ethical activity.

This issue arose for some of us who served on municipal council and debated it. I well recall the president of the labour council in St. Catharines coming in at the same time as the president of the chamber of commerce, and for once they both seemed to be on the same wavelength. In fact, I remember asking Mr. Lambert at the time whether he was endorsing the position of the chamber of commerce. I was doing that in a little bit of fun on that occasion because it would have been historic. He preferred to characterize it as the chamber of commerce endorsing the position of the labour council. However, it shows the depth of feeling many people have on this issue, a depth of feeling reflected in the very strong statements of the Attorney General and the Premier.

I commend those who have now reconsidered—those corporate people in stores such as Marks and Spencer, the T. Eaton Co., Simpsons and the Bay—and announced they will not flout the law of this province and will stay closed. Others should follow that example. If the Leader of the Opposition, who would like us to have wide-open Sundays, had the opportunity to put his policy into effect, they would not be breaking the law. However, the Leader of the Opposition does not have the opportunity at this time to put his

wide-open-Sunday policy into effect. Therefore, it seems to me that we as a province and as a government should be ensuring that the prosecution takes place at the appropriate time that the charges are laid and that we adhere to the Supreme Court ruling when it comes in on December 18, 1986, and make any modifications if they are necessary.

**Mrs. Marland:** As I rise to speak in this emergency debate, I must say at the outset that it is unfortunate we have to have it, and the reason we have to have it is very clear: The government has decided not to do anything.

Speaking as a member of the task force, I must say right off the bat for the benefit of the Minister for the Environment—the member for St. Catharines—and for the benefit of the member of Essex South (Mr. Mancini), that if their statements on the policy, the wishes and the direction on this subject by the Progressive Conservative Party are so well informed, I would suggest, first, that they learn to read, and second, that when they have accomplished that, they read the task force report.

It is very interesting to hear the Minister of the Environment discuss press releases. It is very interesting to hear him read everything only in part, because I too have press releases. In fact, I have a quotation here from the Toronto Star of January 7, where the Premier is quoted:

"Ontario's Sunday store-closing law is 'very close to being unenforceable' and is out of line with changing public opinion, Liberal Premier David Peterson says.

"I think it is time to reassess the situation," Peterson told reporters outside the Legislature."

The Premier said that in January 1986. How long ago is January 1986? What has the Premier done to reassess the situation?

"The Premier's comments came after Solicitor General Ken Keyes announced in the Legislature that an all-party committee would hold public hearings to study possible changes to the Ontario law."

Is it not interesting that the Solicitor General made the announcement that an all-party committee would study this subject? However, 11 months later, we have had no committee established to study this subject. I know the answer is, "We have to wait until we have the decision of the Supreme Court of Canada." Is that not great? We are going to be reactive. If only we had a government that was sincerely interested in this subject and was willing to be active and responsible.

It was quite interesting to hear the Treasurer (M. Nixon) say a few minutes ago that he did not think the government had handled the subject badly. Of course, that is a perfectly true statement. It is absolutely true that it has not handled the subject badly, because the truth of the matter is that it has not handled the subject at all. Because it has not been handled at all, we are into this very serious situation whereby our party has decided the urgency warranted this emergency debate. There are a large number of other very important subjects this House should be debating this afternoon and legislation we should be dealing with, but we are pressed into this emergency debate because this government has chosen not to do anything about a very serious problem.

Obviously, it depends purely on one's point of view how this matter should be handled. I suggest that on this subject, the vision of the government is myopic, at best. I also suggest that the announcement I referred to that the former Solicitor General made, saying the government would establish an all-party committee to deal with Sunday shopping, is a very interesting announcement, since it came after this party announced we would have a task force.

I also quote from a December Sunday Sun:

"The Premier said the act needs a major re-examination and broadly hinted he favoured more open Sunday closing laws. Peterson said the present law is in danger of being unenforceable and he believes the 'will of the people' should prevail.

"Keyes announced Monday the government would conduct a full public review of the Retail Business Holidays Act once its constitutionality is determined by the Supreme Court of Canada. That ruling is expected some time this summer."

If this were a responsible government concerned on both sides of this issue, when the decision of the Supreme Court did not come down this summer, and knowing that into the Christmas season there would be this kind of pressure with which we are currently faced, would members not have thought this government would take some action?

**16:30**

What would be wrong for the brains of the Liberal government to start to move a little, to start to stir a little and perhaps to go around and find out what the public wants? If they found out that the opinion of the public was the same as the opinion that the Progressive Conservative task force found travelling around this province—all in all we went to about 14 centres. Our PC task

force purposely went to the small centres, the border towns that had competition from the United States, the tourist areas and the densely urban areas, and we heard the same message around this province.

The fact that this opposition party has done its homework says a great deal for its responsibility to the people of this province. The fact is that the Liberal government has done nothing to find out the opinions of the people of this province, the people in retail business, the people who work in retail business and the opinions of the people who benefit from those stores being open or closed. The Liberal government has no idea. They are going to wait for the decision of the Supreme Court and then they are going to go out and do their homework. That is very interesting, because they may well find that the Supreme Court decision will put them in a position where they will be scrambling suddenly to find out the opinion of the public.

It is unfortunate that the member Essex South has left the chamber, because he will be no more knowledgeable than he was when he came in earlier this afternoon. It is unfortunate that he has left. If the member for St. Catharines had read this report, he would not be standing there this afternoon saying the Progressive Conservative task force was in favour of wide-open Sundays. He would not be sitting there saying that is what our party is in favour of, because if he had read this report he would know what our position is.

**Hon. Mr. Bradley:** That is not what your leader said. Does your leader speak for the party or not?

**Mrs. Marland:** I acknowledge the fact that our leader made a statement. It is perfectly true that our leader made a statement, but I ask the member for St. Catharines to be honest. If he were honest, he would say that our leader made a statement. He does not give our leader any credit for also showing his great wisdom by setting up a task force that travelled this province.

Certainly the leader has an opinion. Does every member in this Legislature not have an opinion on everything? The difference between this side of the House and that side of the House is that in the Progressive Conservative Party we have our own opinions but we are willing to go out and listen to the public, the people who live and do business in Ontario.

When saying he had an opinion on Sunday shopping, our leader also said: "I will establish a task force. We will go out and ask the public what its wishes are." The result of that task force is in this report. I hope the member for St. Catharines



is listening to this first sentence. I emphasize that the main recommendation in this report is, "The general principle of a common pause day should be maintained." Had he read this, there would be no doubt for him that the Progressive Conservative Party supports the maintenance of Sunday.

We also support permitting stores to be open on Boxing Day. We also happen to say that the act should be amended "to...significantly strengthen enforcement of the law by providing penalties that eliminate the financial incentive to open on Sundays and holidays. In this regard the government should consider fines equal to the amount of gross revenues earned by the violator on the day the offence occurred, in addition to the penalties currently in the statute."

Before I close, I want publicly to commend Sears and Eaton's in our province because neither company ever considered being open on Sunday. I commend them for that and our party totally supports that point of view.

**Mr. Mackenzie:** I commend the member for Mississauga South (Mrs. Marland) for her position, if it holds, on the Sunday shopping issue. I recall the Conservatives being rather split from their leader on two important issues in recent days. I can also recall a group of Portuguese women who were appalled. They thought they had a firm commitment from the member for Brantford (Mr. Gillies) that his caucus was going to support them on successor rights, but that did not happen. There is a slight credibility gap on some of these issues.

One of the issues is who gains if we move, as we seem to be moving, to wide-open Sundays in Ontario. I do not think it would be the people. I am not sure, in terms of the perception of people and what people want, whether a majority of people in Ontario have come to the conclusion that they want wide-open Sunday shopping. It is not my perception as yet, although I have seen the Toronto Star poll which said that 66 per cent do. On the other hand, I have seen the anti-Sunday-shopping people's poll which says that 90 some per cent are opposed.

I do not think we can rule by polls, but I happen to live in a three-shift town in the working-class riding of Hamilton East. We did have a return of 1,076, actually more than that, but the figures were based on 1,076 responses to a questionnaire. Among other things, it asked, "Do you think there is a need for more open Sunday shopping?" It was not professional, and maybe it should have been worded a little differently, but I thought it was fairly straightforward.

In the result, 40 per cent said yes, 57 per cent said no and three per cent had no opinion.

To be very honest, that probably would not decide my vote because polls have not been uniform at all. All I know is that it is a working-class riding and working-class people would have responded to that questionnaire. It did not indicate the overwhelming public support for Sunday shopping that some people seem to assume.

The real issues we should be taking a look at in this debate are what can we gain and who will get hurt, and they are worth a few comments. I could not help, in going through my clippings file, pulling out a note that was dated February in one of the Toronto papers. The woman who signed it is actually from Mississauga. She sent the following letter to the paper:

"I am a sales clerk who wishes to respond to those inconsiderate people who say that stores should be open to them on Sundays and holidays. These people have no feelings for the sales personnel who have no union to bargain for a few days off at Christmas time. Most of us had to work from 9:30 a.m. until 10:30 p.m. for weeks before Christmas. On Christmas Day, we were so tired out it was hard for us to get into the spirit of things. We looked for Boxing Day to rest up in preparation for the long, after-Christmas sales hours.

"If the public wants stores to open on Sundays and holidays, let's make it the same for everyone and have all stores, banks, post offices and plants work on those days and, oh yes, make the government work as well. If this was to happen, the country would come to a standstill with strikes by the same people who are saying stores should open for them on Sundays and holidays."

There is a real element of truth and perception in the comments made by that woman.

It is worth taking a look at some of the other organizations. I know some parties in this House do not always give a them a lot of credibility. As a matter of fact, it is very obvious. I keep hoping it is not an anti-labour bias. Forgive me if I sometimes wonder. In view of the current debate going on, there was an interesting article in the Globe and Mail of December 3 that quotes organized labour. It says:

"Sunday retail openings are 'like a snowball coming down a hill and we ought to stop them,' the president of the Ontario Federation of Labour says. Consumers who plan to take advantage of Sunday shopping should reflect on the fact that they could find themselves working Sunday, Gordon Wilson said in an interview yesterday.



“People who are consumers tend to think of Sunday shopping as a convenience. But those same people, if they work, for instance, in financial institutions, might soon find themselves in the same boat.”

**16:40**

“The labour movement has long opposed Sunday retail openings. The ‘pause’ and opportunity for family gatherings that Sunday affords should be preserved, former OFL president Cliff Pilkey said.

“A distinction must be drawn between work, such as retail sales, that does not need to be done on Sunday, and services such as transportation, law enforcement and health care, he said. US studies have shown that when retail outlets extend their hours, they don’t sell more, he said, and prices increase because of extra operating costs.”

He goes on from there, but I think the point is well made. We have to look at what happens and who bears the brunt of the Sunday opening.

The greed factor and who gains are obvious. It is not the store employees or even the managers of some small operations. The workers tend to lose on it. There may be extra convenience, and I do not think any of us can argue that. It may be one of the things we have to do a little work on to get a better understanding out in the community. Simply, if we are going to go this route, we have to point out there are rights being taken away from people and there is protection that people in this province need. That has to be part of any serious debate on this.

If we take a look at the figures, I think we will find that it averages out, other than maybe an initial flurry of increased sales. As I believe I heard the Treasurer say, there are only so many dollars to be spent, and it does mean longer hours. It does mean changes in operation. It could mean more part-time and fewer full-time employees, and that in itself raises some serious questions. There is also no question that women would be hit harder than men in the retail field. They form a majority. There are a large number of them, and a large number of them are also married women. To many of them, the Sunday hours at home are vitally important.

There are a number of questions we have to take a serious look at in this issue. I do not think any of us should be stampeded on this issue any more than on any other by the polls. We should be directed by what is good for most of the people, and there we are going to be weighing off extra convenience against the loss, more and more, of that principle of one day of rest, which

has been important to us for a long time, and the kinds of rights individual employees—all the way up to the level of store managers—are going to lose as a result of any changes in the procedures.

It is important, and the importance of this debate is that there has been a run on the credibility of law and of government. It is not just the government in power, because some of this started over the past three or four years with the previous government as well, but there has been a loss of respect for the law because of the obvious flouting of it, and that has been growing in recent weeks. That is something we have to decide. If we are going to change the law, then let us change the law, but let us not change it by ignoring it and making a mockery of justice in Ontario. That is important.

**Mr. Ward:** I want to add a few brief comments to this debate. It is a matter of great urgency. It distresses me, as I look across the way, that 46 of the 51 seats of the official opposition are empty. That is fairly indicative of the—

**Mr. J. M. Johnson:** For heaven’s sake, the member should look at his own people. His party is the government.

**Mr. Ward:** Again, I point out that the regular business of this House has been set aside for an emergency debate proposed by the member for Nipissing (Mr. Harris), who does not happen to be in the House, but I recognize the urgency with which that party views this matter.

I was particularly interested in the comments from the member for Oakville, who took time out from his busy law practice to be here today. He added a lot to the debate in his input.

This is not a new situation for us in this Legislature. The existing legislation has been in place for some time. It was a product of another minority parliament and had the input of many of the members who are present today. I was interested in some of the comments that were made in question period and some of the demands and suggestions that have come forward from the official opposition. I have wondered to myself, “Where is this crisis, what has changed and what has precipitated it?”

It has not been for that long a time that we have had these awesome responsibilities to deal with these issues. Therefore, I thought it would be prudent to look back over the course of the past few years and see how others have handled this situation in similar circumstances. Going back to December 1983, when the current official opposition had the responsibility of administering this act, it is interesting to note the activities

of the Solicitor General at that time. He seemed quite content with the legislation as it was and quite often fell back on the excuse that the matter was in the Court of Appeal at the time and therefore no changes were necessary or contemplated.

I noted with interest the questions and the demands of the official opposition that the government could be more aggressive in pursuing legal action against those who violate the law, so I looked back to the activities of the then Solicitor General on May 24, 1984, at which time he responded: "I have given nobody instructions. I do not think the crown attorneys or the prosecuting people have given any instructions."

I look at his comments over the course of that debate in 1984, when again there were a number of violations of the existing legislation, and the countless times he would stand up in the House and defend his legislation and belittle the cry for the needed changes that were perceived by some people at that time.

If I could get back to the current situation and this whole issue of where the crisis is, it was supposedly precipitated by public statements on the part of major corporations that they intended to open their premises over the course of the next few weeks on Sundays. Principally, those corporations are Marks and Spencer and the Robert Simpson Co. I remind the members of the Legislature that this government did respond to that situation and clearly indicated to those corporations and to the public in this province that we would not tolerate that sort of violation of the law, that blithe disregard for the legislation that is currently in place.

Earlier today, all of those corporations indicated that, since the Supreme Court of Canada would be rendering its decision on December 18, they would not proceed with Sunday openings. I sincerely ask the members of the Progressive Conservative Party—I see that only 48 of the 51 of them are absent right now—to indicate where this crisis is, because the situation is no different today from what it was a week ago, quite frankly.

I was delighted to hear the member for Mississauga South indicate that her party does have a position—and perhaps that is what precipitated the debate: at least today they have a position on it. That is not to say it is the same as yesterday's position and that is not to say it will be the same as tomorrow's position; but at least for today they do have a position—as a caucus, I take it, because as it stands right now we still do not know where their leader stands. We do have

his press release of January 1986, in which he says: "We must change the law to greatly expand Sunday shopping in response to demand. What the task force will do is establish how the law should be changed."

I guess it comes as no surprise to a great many people that in the course of their public participation process the public of Ontario repudiated the leader of the opposition party in this province. There is nothing new in that, either. However, it remains to be seen just what position the leadership takes in relation to its caucus, because we have had many examples of how those two positions are seldom consistent any more. I do not want to be too critical of the Leader of the Opposition, because there are many people on this side of the House who believe he is a tremendous asset.

The government has shown leadership in dealing with this issue. It made a clear and strong statement that has obviously been heeded by the major participants who were proposing to remain open on Sunday and, quite frankly, I do not believe there is any crisis in relation to this issue today. There may have been concern a week or so ago, but that has rapidly dissipated. The Attorney General has clearly stated that the law would be upheld. We have a clear commitment on the part of those major corporations that, indeed, they intend to abide by the laws of this province and not proceed with their plans, pending the outcome of the Supreme Court of Canada's decision.

**16:50**

I for one believe there should be a day of rest. There are many reasons for that argument. I was involved in this debate many times municipally in the region of Hamilton-Wentworth. I have had a great deal of difficulty finding out where the advocates are for increased shopping hours because, quite frankly, there is no more money to be gained by anybody. The ultimate impact of increased hours will be higher prices. There is no more disposable wealth to offset being open an additional day in a retail operation.

I believe there have to be restrictions on the operation of retail business hours in this province, not only for the benefit of the workers but for the benefit of the retailers as well.

**Mrs. Marland:** On a point of order, Mr. Speaker: The member for Wentworth North (Mr. Ward) said I had mentioned a policy of the party today. It is actually since April 1986.

**The Deputy Speaker:** No. That is not a point of order.



**Mr. J. M. Johnson:** I would like to start by saying that I welcome the opportunity to speak today in total support of this resolution. It is an emergency, even if the member for Wentworth North does not consider that it is. I would like to point out to him that if his government would accept the responsibility of dealing with the present and the future, instead of dwelling in the past, he would serve this province much better.

I suggest that the resignation of three ministers in one session must be a record for any government, except perhaps that of Uganda.

I speak in support of the concept that there should not be an open Sunday, because of my 30 years' experience in the retail business. I feel qualified to speak because of spending that number of years in business and because I have the honour to represent a large urban and rural riding composed of 21 municipalities with hundreds of small business outlets.

The vast majority of the people who do business in my part of the province do not want to stay open Sundays. They want to spend their time with their families. Many of them are family-owned operations, and if they were compelled to stay open, it would mean they would have to work in the stores themselves because they could not afford the luxury of hiring someone else to do their work.

The profit is just not there for the small stores to allow this to happen. The retail merchants are not the ones who have triggered this problem. The problem goes to the very large corporations that are dictating to the small retailers what hours they have to operate. The unfortunate fact is that if a large store stays open, a small retailer has no alternative but to stay open in competition.

There is one important exception I would agree with, and that is stores in communities that depend heavily on the tourist trade; they need the opportunity to have Sunday openings. In my riding, for example, there are three communities, Elora, Fergus and Alton, where the merchants depend on the Sunday trade to stay in existence; in fact, they have built their businesses around Sunday shopping.

I had the opportunity to operate a small business in Sauble Beach for several years. In Sauble Beach, you have to operate your store for seven days a week, as the season is so short and people expect the stores to be open at that time. It played havoc with my family. It was such a social cost that we eventually sold the store. It was more than the family could bear in terms of the social implications. We had no family life. To open from Monday to the following Sunday, from nine

in the morning until 11 at night, was just a little too much.

I had an opportunity this morning to talk to John Gillespie, the president of the Ontario branch of the Retail Merchants Association of Canada. That association has 4,000 members. I served as a director of the association for several years. I talked to Mr. Gillespie and asked for his opinion on the wide-open Sunday shopping issue. He mentioned that a poll of his organization would likely split about 50-50, but he also mentioned that many of the large merchants would prefer the Sunday opening while many of the small, family-operated enterprises would not. He gave me some of the reasons that he and many of the members of his association were not supportive. I would like to highlight a couple of them.

In the first instance, he mentions that the members of his association are happy and satisfied with the existing Retail Business Holidays Act as it was drafted by the previous government. I understand they are even in agreement with the unions on this issue. In that association, that is something. They were emphatic that the law must be enforced. They felt that if the lawbreakers were fined in amounts equivalent to the offence and if enough of a penalty were levied, this problem would cease to exist. In other words, they like the law as it is, but for heaven's sake, the government should have the intestinal fortitude to enforce the law.

He went on to emphasize that many of the merchants do not have the option of not opening on Sundays if their competitors stay open on Sundays. If one stays open, the other one has to do so as well.

Mr. Gillespie advised me that a study conducted in California on Sunday openings indicated that while at first sales increased, that lasted for only a short time. In fact, common sense dictates that there are only so many dollars to be spent by consumers. If they spend those dollars on Sunday, they are not going to spend them on Monday or Saturday. It is simply a matter of spreading the same amount of business over seven days instead of six.

As far as benefits to consumers are concerned, the truth is it will cost consumers more, not less. They will pay for the Sunday shopping. It is only reasonable that a store that has to remain open seven days a week will have many extra costs such as heating, lighting, cleaning and, most important, labour. The most important issues we are dealing with today are the employees and the small store owners; they are usually family



members who would be forced to work Sundays and lose the traditional day to spend with their children.

This detrimental social impact on our families is much more important than the convenience it offers to the people who would like to shop on Sundays. I would like to ask whether these shoppers would like to work on Sundays. I think not. This important debate must emphasize, and I think it does, that we as members of the Legislature are in support of protecting the rights of retail store employees to refuse to work on Sundays and not be subject to dismissal if they refuse. Regardless of the fact that they may not be fired, they would be under intense pressure to obey instructions or to pay the price in promotions or in some other way.

I do not think we need wide-open Sundays, and I hope this government will accept at least some of the very positive recommendations of the Report of the Ontario Progressive Conservative Task Force on Extended Shopping Hours, which was presented on April 18, 1986.

**17:00**

**Mr. Allen:** I rise to participate in this emergency debate this afternoon, having observed to my right, in these past few moments, the salutary effects of either the Christmas season or perhaps of this debate on so significant an issue as the status of the sabbath, of Sunday, of such holidays, and the gratifying and peaceable influence that can have, when the Tory member for Brantford can stand beside the New Democratic Party member for Etobicoke (Mr. Philip) and help him with licking and stamping address labels on his mail. If this debate has accomplished nothing else, it has brought a significant degree of harmony into this chamber, which will help us all in days to come.

It strikes me that it is not particularly useful for us to engage in an exchange across the floor of the Legislature about which party has been consistent or inconsistent on this issue. It is true that the Tory leader did leap ahead of his party earlier this year, attempting to make some comments about the growing issue of Sunday openings in the retail trade. Perhaps he was tempted—as was the leader of the Liberal Party tempted in the most recent election to leap ahead of his party on the question of the sale of beer and wine in corner stores—to cut out some field and terrain among the yuppie vote and the fashionable in our community. In the one case, it was to drag the Liberal Party into an election. In the other, it was to cope with some of the distresses

that arose for the Conservative Party in the wake of that election.

I do not want to say this party has a precise position, with every “t” crossed and every “i” dotted, with respect to the troubling question of what should be done when large mercantile enterprises attempt to supplant the law of the province with their will and economic interest. This party stands where it has always stood, where the parties that were its forbears stood and indeed where groups and interests this party has been associated with for a long time, and which we look upon as our inheritance, stood.

I want to go back to two issues. One deals with small merchants in the late 1800s, and the other deals with the origins of the legislation that has governed this issue during the course of the century. This is a piece by Michael Bliss entitled *The Protective Impulse: An Approach to Social History in Oliver Mowat's Ontario*. It begins:

“Small businessmen in the towns and cities of Oliver Mowat's Ontario were bedevilled by the problem of long working hours. An elementary fact of business life was that any merchant who stayed open while others closed gained a significant competitive advantage. Therefore, all Ontario merchants in the 1870s and the 1880s tended to stay open until there was no more business for anyone to do. Because of the...habit of evening shopping, this resulted in retail stores staying open until nine or 10 o'clock every night of the week, the sabbath excepted. Few merchants, and fewer clerks, enjoyed this situation. To remedy it, to protect themselves from this debilitating effect of unrestrained competition, they turned to collective action.”

What is happening in Ontario today, at the impulse of the great mercantile enterprises, the founders of our shopping malls, the Bays and so on, who initiated the country-wide move in this direction and tried to stampee the rest of the commercial and retail operations in the country in the same direction—is precisely aimed at putting us back in exactly the same position we were in before, in an era in which various groups in our society sought collectively to seek relief from unrestrained competition. As a result of this, there eventually were store-closing movements, then municipal legislation and, finally, federal legislation.

I want to refer to the movement, the great alliance in the late 19th century and early 20th century, in which the labour movement and the churches of this province came together to win the Lord's Day Act in the first place, in 1907. A lot has been said about that legislation and its

religious character. All I want to say about that is that there was a central impulse in all that; it was that people had to have time. They needed time to gather themselves together to understand who they were as individuals, as persons, as families and as communities. They needed to have that time together in some sense. While it is true that legislation fixed a day that happened to coincide with a certain religious tradition, that was in a sense beside the point.

Our legislation has since gone on to suggest that Saturdays and Sundays ought to be alternative times, depending upon the dominant religious outlooks in our community. Again, the important thing was to establish time and to understand what the time was for.

Regarding what is happening today under the impulse of the store-opening movement, whatever adjustments need to be made in the Retail Business Holidays Act—and there are some—we have to recall what the central purpose of it all is, and that is to give people time.

We know and can foresee what will happen as this kind of snowball gathers momentum and more and more operations become 24 hours a day, seven days a week. We know what is happening in the pattern of employment, with more and more people going into service trades, which have long and often-irregular hours, low pay and a lot of part-time work, and in the pattern of life, not only across the nation, because that could be rationalized in certain senses to accommodate time off for various people if it were done right, but also for families and for smaller communities.

It makes it exceedingly difficult for people to find those times together when they can recover their sense of who they are after the pressures of a week of work, discover who they are as a family and maintain those kinds of intimate relationships that are so necessary.

The fundamental proposition of our party as we approach this kind of issue is to maximize the amount of time people can have together and to minimize the number of intrusions the competitive spirit of modern business would lay on us.

I was very interested to hear the observation of the member for Wentworth North, who asked himself, "Where are the people who seem to make up all these polls?" I suggest the polls on subjects like this are taken with individuals separate from each other. They are people who are not responding in the context of a discussion or a debate or an opportunity to think through an issue. The pollster makes his individual contacts and asks his individual questions. It is quite

outside the context of debate and the context of a reasonable process of argument and suggestion.

Therefore, in one's attempts to discover in one's community what people think on issues, the polls often seem to evaporate, because the moment you begin asking and getting into a dialogue with people, other kinds of reasons and factors begin to play. One suddenly realizes that one is no longer a consumer wanting more hours but a working person who wants more time to himself; and perhaps the time to himself is not time in which his wife or other members of his family will drag him out shopping as a kind of surrogate recreation, which has rather limited benefits for one's spirit or sense of self-recovery, as any person who has wandered around any store after a shopping cart has to realize.

As we debate this issue in this chamber, I want to bring us back, and to try to call to the attention of the major enterprises that are pushing us in another direction, to what the central value is that we are trying to rescue and maintain in this Legislature.

In that respect, I was very pleased to hear the Attorney General was at least speaking tough. It is true, and I agree, he did not perhaps have all the legislative base he would have liked to have had or we would have liked him to have to deal with the risk that some people are at, but it is important for us to be speaking our minds at this time, and I am happy to be part of this debate in that respect.

17:10

**Mr. Epp:** I am pleased to take part in this debate, in which a number of members have taken part. I am only sorry that because of my responsibilities in a committee, I was not able to listen to all the speeches. Nevertheless, I have a few thoughts I would like to express and get on the record.

This is not a new issue. It is not the first time people are, in a sense, taking the law into their own hands and doing what they want to do, irrespective of what the law says. It is not an issue that will be resolved when the Supreme Court brings down its decision on December 18. That decision may raise more questions than it answers and, as a result, we may have to deal with this whole, broad issue in other ways. We may have to have a committee look into it or we may have to have other ways of resolving it. Nevertheless, I do not believe that on December 18 this issue will be resolved.

**The Deputy Speaker:** Order. Will the members of the third party and their visitors please keep their conversations quieter.



**Mrs. Marland:** The Minister of Housing (Mr. Curling) was not identified.

**Mr. Warner:** He belongs here.

**Mr. Epp:** Like other members of this Legislature, I have received a number of letters and telephone calls. As far as responses, letters and telephone calls are concerned, this is one of the two or three major issues facing our constituents. In my constituency of Waterloo North, the number of people calling and writing in support of keeping the laws the way they are and enforcing them is far in excess of any one or two I may have received in opposition to the present law or the broadening the legislation.

By far, the people want to keep the law the way it is. They want the legislation enforced, they want an expansion of the fines, if necessary, beyond the present \$10,000 and they want fines repeatedly applied to individuals, corporations or businesses that are violating the law.

I was interested in some of the speeches other members have made, especially leaders of the parties. I was interested to read that on January 8 of this year, the Leader of the Opposition said: "The Progressive Conservatives—unlike the Solicitor General—start from the premise that the laws should be dramatically broadened."

He goes on to say in the same press release: "The government is willing only to 'review' the legislation, with no commitment to broaden it. The Progressive Conservatives are prepared to stand up and be counted, to say we must change the law to greatly expand Sunday shopping in response to demand. What the task force will do is establish how the laws should be changed."

Then he goes on to say: "Our party does support a significant broadening of Sunday shopping—not just an expansion of designated tourist areas], but a significant change to open up Sundays."

He may be speaking for himself and he may be speaking for his party, but he is certainly not speaking for the people of Waterloo North, because they, by far, have indicated they are opposed to the broadening of the present laws. They are opposed to opening up everything, so to speak. What they really want is the present law and they want it enforced. That is the view I am supporting today.

There are those people who suggest they need Sunday openings to expand their business. I do not know how they do this. I do not know how you create more money by being open seven days than by being open six days. You may employ more people, but that may cut down on the profit you make.

I do not have any more money to spend over a seven-day period than I have over a six-day period or a five-day period. In my view, to suggest that, all of a sudden, people are going to have more money to spend over seven days than they do over six days is a complete misrepresentation of the facts.

It may be the case in some tourist areas, for instance, in northern Ontario or some place, where people can cater to some individuals in that area over a seven-day period—they will not be able to sell them things over a six-day period and so they cannot cater to the same market—but that is an isolated incident and not one that has a broad application to the eight million or nine million people of this province.

I am particularly concerned about the outlets and businesses that have taken the law in their own hands and have opened up on Sundays. I know in my own municipality a few months ago Robinson's was open every Sunday. I for one have not frequented that store since that time, although I did a number of times previously. I do not intend to frequent it, if it intends to violate the law as blatantly as it has. That store, since it obtained new management, new ownership or whatever it was in Ontario, has stopped opening on Sundays and in a sense now respects the law.

I also applaud those businesses such as Simpsons and some of the others, which, after they had the strong hand of the Attorney General not to open on Sundays, have decided not to open on Sundays until the ruling of the Supreme Court comes down. I hope when the Supreme Court makes its ruling, if it says the law is unconstitutional, they wait until the law is changed rather than continue to take the law in their own hands as some businesses have done.

I find the people who are primarily in support of opening on Sundays are the people who will not be working on Sundays. I doubt very much that the executives of some of the large corporations that want to open on Sundays are going to be at the stores on Sunday. I doubt very much that they are going to be there seven days a week or that they are going to be taking off Wednesday and coming in every Sunday to work in their posh offices. I do not think that is going to be the case. They want the employees to work, but they will not work themselves. I bet dollars to doughnuts that is going to be the case. I know some teacher friends of mine are in support of opening on Sundays, but I have never heard them suggest that school should be open on Sunday so that they can teach. Yet they want other people to work on Sundays.



We have the necessary ingredients to have services available to the public. The service stations are open. In my own municipality they are open on a rotational basis. Not every service station is open on Sunday, because the service stations themselves asked for a bylaw that would rotate the number of stations that would open on Sunday. If we are looking for gasoline on Sunday on a necessary basis, we can find a station. It is advertised in the daily newspaper on Saturday and one can find the stations that are open on Sundays.

The restaurants are open. The Mini Marts, the Beckers, the corner stores and so forth are open on Sundays, so if we want a loaf of bread or a quart of milk, we can get it. I do not see the need for furniture stores or for large department stores or any of the others to be open on Sunday.

In speaking to this emergency debate, I reiterate my position and that of my party. The various businesses across the province should respect the law. They know what the law is and they should be fined severely, once we have the opportunity of doing that, to the fullest extent on a continual basis. If they want to be open on Sunday, they should go through the democratic process of getting the law changed, if the Legislature of this province deems it fit to do so. Otherwise, they should respect the law as most law-abiding citizens in this province do.

17:20

**Mr. Ashe:** This is probably one of the relatively few occasions on which we have had an emergency debate in this chamber and all three parties have been talking along the same direction, which leads to the question of why we needed an emergency debate at all, if everybody is thinking the same way. Frankly, although the government members have had a tendency to wash their hands and be lily-white and pure on this issue, it is because of the inconsistent actions—"nonactions" is probably the better word—of the minister of everything over there, the Attorney General, that we are in the predicament we are in today.

I think we can all agree that during the past few years, and particularly the past year or two, some businesses have been very flagrant in their disregard of the current law. We are all aware of them. They have been advertised in many ways, in news forums and other forums, quite regularly, and regular prosecution—at least the laying of charges—has taken place. Lo and behold, the issue has become a great issue, a big issue, a compounding issue, in the past few months, only because of the inconsistency of the minister

sitting over there, the minister of everything, the Attorney General, the minister responsible for women's issues and now the acting Solicitor General. What else? There are a few other things; anyway, it is not relevant.

One might say, "Why is that so?" He is going to say, "I do not tell the police what to do." We know that is not so. As the chief law officer of the crown, he gives very selective direction when advice is asked. He is very clear to make that distinction when they ask advice but he is not very clear on why he does not give distinctive and consistent advice when he is asked.

We have many examples of that. I am quite sure that is why, in the past while, particularly in the past month or two, more particularly again in the past few weeks, we have had a much more flagrant disregard of the law. There is no doubt, if one looks back, that the minister ho-hummed, "We will get some determination eventually from the Supreme Court and then we will have a look at it again. In the meantime, we do not agree with it but we are looking at it with kind of a closed eye," etc. When the police forces in this province get that kind of leadership—and I say that in a very facetious way—they do not know what to do. That is why we have a problem.

Where is the other inconsistency? I am sure police forces have been saying, "We are really going to get tough this Sunday." I do not mean this Sunday in the context of the one coming up, but last Sunday, the Sunday before and the Sunday before. Then they look at another inconsistency of the chief law officer of the crown, called the Morgentaler clinic, which again he has rationalized in many ways, albeit back about April 1985 I heard his leader say—I doubt that the minister did, because he of course has changed quite often on this position, but many in his party, and his leader for sure said it—"As soon as we become the government, we are going to close that place and any others that open." It is funny. It is still operating, even though the government has been in power now for quite a long time, about a year and a half, give or take a few days.

Where is the inconsistency? Again, a police force recently decided that it could not take wishy-washy stuff any more. It said: "The appeal court turned down the previous acquittal decision. We are going to lay some more charges." Lo and behold, they did that. What does the chief law officer of the crown do? He decides to take the prerogative of staying the prosecution of those charges.

Therein lies our problem. Some will say, "That is not relevant." Sure it is. When one is the chief law officer of the crown, one gives messages out there, directly or indirectly, by one's actions and inactions and by one's consistencies or, in this case, one's inconsistencies. That is exactly what has happened.

That is why we have a problem today. I am glad to see we have another member across there, because I would like to put on the record again—perhaps he went out after he gave his few remarks earlier, as did the member for Waterloo North (Mr. Epp), who came in and gave us 10 minutes and took off again. It is too bad, because some others—and these members may have missed it—pointed out that at about the same time, January 1986, as our leader was putting out his views that there should—I grant he said that in his view the marketplace is saying we should have a more wide-open Sunday. Within a matter of weeks from that—and the actual quotes were given—the Premier was saying, virtually verbatim, the exact same words. I did not hear any reference to that over there.

In this party, once our leader thought that was the current marketplace, he said, "I am going to have a task force go out and ask the people of Ontario what they think." He also said: "We will hear what they say. I think they are going to say they want a more wide-open Sunday, but we want to hear how to do it."

When we went out and talked to and heard from the people of Ontario, we came back and put forth a caucus position that was substantiated by the report made by that committee. We are supporting the upholding of the law and we are against the wide-open Sundays that some of the members opposite obviously want, although they have not stood up today.

Regardless of the timing on this issue, and I appreciate that some have tried to have it all ways, we have a position in this party and we have had it since the task force report was endorsed by this caucus. That was many months ago, in April 1986. I have not heard anything consistent from the government party at all. Only the Premier spoke out in support of wide-open Sundays in February 1986.

It was only this week, when the pressure started to get to the Attorney General and he got his back up because two majors in Toronto said they were going to open, that once again he started rattling the chains, but if he had rattled the chains consistently earlier this year, we would not have the problem. In trying to be all things to all people, he also suggested that everybody is

going to be protected. He says: "Nobody will be harmed. We will make sure of that." Yet we also hear from his own hotline and from the Ministry of Labour that he has no such jurisdiction and he is just going off at the mouth, as usual.

What is happening is that, unfortunately, in many leases—and this is a fact in many of the more modern leases in the traditional malls as we know them today—it says that if the owner-operator decides to open for certain hours, it is obligatory that the constituent merchants in that mall also open. How can he say he will protect everybody? Time will tell.

There is no doubt in my mind that it is not necessary to have a seventh day. What about the two-income families where one of the two partners has to work Saturday, Sunday and three other days—I will presume they are going to work only five—and yet the other partner—

**Hon. Mr. Bradley:** The Leader of the Opposition says they could rotate.

**Mr. Ashe:** Will the Minister of the Environment shut up for once in his life? He sounds like a broken record over there. Why does he not get up into the same cesspool as the Minister of Labour (Mr. Wrye)?

What is happening there, as we know, is that on five days a week, the other partner might be working Monday to Friday. They would never have an opportunity for any family life.

As has been pointed out by many others today, we have people who are going to spend in six days the same as they would in seven, and yet one would be attracting seven days of overhead. That ultimately has to go back on the consumer in higher prices. I do not think that is what the majority of people want.

We have found in the many petitions and letters we have had, and our task force from this party found, the large majority of the people of Ontario are satisfied that, with the long business hours contained in six days a week, the seventh day is not necessary.

**Mr. Warner:** By the statements that have been made by some of the major owners of the malls, we are on the verge of what can best be described as civil disobedience. That is what it is, pure and simple. The owners, and in particular Cadillac Fairview and Trilea Centres Inc.—Trilea owns 10 malls, including the Scarborough Town Centre, which happens to be in my area—have decided those 10 malls will be open.

**17:30**

This afternoon, while its members were participating in the debate, this government has



indicated that the law should be obeyed, that the Sunday store closing should be honoured and so on. What disappoints me is that it has shown absolutely no leadership in indicating the specific protection the people of Ontario have who are threatened by this opening.

By contrast, members will recall that in 1981 we had a strike by the hospital workers, which was perfectly legal when it was called. The Progressive Conservative government of the day decided hospital workers should not be treated fairly and decently and declared the strike illegal. As a result of that declaration, two labour leaders went to jail for civil disobedience.

After the president of Trilea opens 10 malls in what can best be described as civil disobedience, I wonder whether he will go to jail. I wonder whether the president of Cadillac Fairview will go to jail for opening his malls in defiance of our laws. We know the answer. There are two sets of laws in Ontario. There always have been, and as long as there are Liberal or Tory governments, there always will be. There is one set of laws for the ordinary folk and a second set for the corporations. Under a Liberal government, we will not see the president of Trilea or the president of Cadillac Fairview going to jail for civil disobedience or for flagrantly violating our laws.

Let us talk about employees for a moment. What will happen on Sunday is that if malls open in contravention of the law, as we understand they are going to, Metropolitan Toronto Police have indicated they will lay charges against the stores and against the managers. Each manager has been told, "You must be there." This indicates that if the manager does not show up, he will likely be fired. If the manager does show up, he will be charged by the police. This government offers nothing by way of protection for that employee or anybody else who is caught in that catch 22 situation.

I want to speak about the background of this. I had the privilege of serving on the 1976 committee that drafted the Sunday store-closing laws. I said at the time, and I will repeat, that we make a mistake if we allow anything other than prescription drugs to be sold and gasoline stations and restaurants to be open. It is a recipe for chaos to allow anything else. I conceded quite reluctantly on the variety stores, and that was the line. But no, some folks had to have their way and had to throw in a few other things. They threw in this tourist designation. That was an open-door policy for areas such as Harbourfront,

whose tourists all live in Toronto. It has been downhill ever since.

We have some of the most bizarre things you can think of. Nurseries are allowed to remain open but not pool supply places. What happens? The nurseries load up on pool supplies. They are open on Sundays and selling pool supplies, but the pool supply stores are closed. That really is bananas.

What disappoints me as well is that the government knows the Supreme Court has two choices, and in either case legislation will be required. If the Supreme Court decides the law is not constitutional, then the government needs to address the labour issue of whether people should be forced to work. If the Supreme Court decides the law is constitutional, obviously we need to make some changes to take away the absurdities, such as the one I mentioned about the pool supply places. This government has given absolutely no indication that it has addressed either of those problems so far. It is derelict in its duty.

People talk about polls. I have gone door to door in my riding and have the results from 1,405 households. These results are very interesting. Question 1 was: "Should the government allow stores to open on Sunday?" The answer was yes from 46.3 per cent and no from 53.7 per cent. One could fairly say it is about a 50-50 split, with slightly more in favour of not opening.

Question 2 was asked of an additional 348 people: "Should employees be given a choice as to whether they work on Sundays?" Yes was the answer of 99.3 per cent, and only 0.7 per cent said no. People obviously feel very strongly that if the stores are allowed to open, individuals should have the right to choose whether they work on Sunday. To date, no such protection exists in law, and again this government is silent on the question.

Personally, I think the idea of Sunday shopping is sheer madness. There is no economic sense to it. Small shops are the ones that will suffer. No owner in his right mind is going to work seven days, but when you do not work the seventh day, you have to hire someone else to come in and run your small shop. It is economic madness for the small shop.

There is no job gain, and I suggest there will be a job loss, because what will happen is that the trend from full-time to part-time will continue. Part-time jobs will be at lower pay and with no benefits. There is no job gain for our work force, and our family life will suffer. The hectic pace of the life we now lead in Ontario will become even worse. Surely to goodness, if people have



concerns about the family structure and the family unit in our society, they will want to provide more opportunities for families to be together, not fewer.

The whole question of Sunday shopping must be addressed. This government has a responsibility, before Sunday, first to indicate specifically to the employees who are being threatened what protection will be available and then to inform the president of Trilea and the president of Cadillac Fairview that if they continue with their civil disobedience, they will go to jail. Perhaps for the first time in Ontario we could have one law for all the people, not a set of privileged laws for the corporations.

**17:40**

**Mr. Polsinelli:** It is a pleasure for me to participate in this so-called emergency debate. I note that although this emergency debate was proposed by the member for Nipissing (Mr. Harris), the opposition House leader, by my limited form of counting there are four members of the Conservative Party—a shocking number out of their 51 members—listening here this afternoon and participating in the debate. This is reminiscent of the emergency debate we had just a little while ago to discuss the Goodyear closing issue when only two of their members were present. I am shocked.

I would not like to diminish the importance of this debate, because it seems that notwithstanding the lack of participation from the official opposition, the things we say in this House today are being listened to by the people of Ontario. I note that Simpsons and the Bay felt they had been lectured by the Attorney General in terms of their previous decision, which they have now reversed, to maintain open their operations on Sunday. In effect, we can believe that some of the things we say in this House are listened to by the people of Ontario and are respected and followed.

I am reminded of one of my constituents, who is well known to the members of this House, furrier Paul Magder, who is currently taking a case before the Supreme Court of Canada to determine whether our Retail Business Holidays Act is or is not a constitutionally valid law. I understand his position, and I understand the position of the economic community, which feels there is more money to be earned, more profits to be made and more of an opportunity to attract tourists from outside this province, if we allow stores to stay open on Sunday. I personally reject that position, as it has been rejected by many members of this House, along the lines that

there is only a limited amount of economic dollars to be spent on shopping. Whether spent in a seven-day cycle or in a six-day cycle, it is still the same amount of disposable income. It is not going to make any difference.

On the other hand, I also accept the position taken by many of the small entrepreneurs in my riding who are concerned for economic reasons that if their large competitors open on Sundays, they too must maintain open their operations on Sunday to compete effectively in the marketplace. I respect their position and the concern they have in terms of maintaining their personal family ties, because the family is a very important component of our society and we as members of this Legislature must do everything within our power to ensure that the family unit is maintained, strengthened and enhanced.

I note that under the previous minority government, headed, unfortunately, not by our party but by the now official opposition, a law was passed, the Retail Business Holidays Act, as it is commonly known. Section 2 of that law is the operative section which prevents retail businesses from operating on Sundays unless they fall under one of the exceptions in section 3 and so on. We then go to subsection 2(2), which says that it is a provincial offence punishable by a fine of up to \$10,000 to maintain open a retail operation open on Sunday unless it falls within one of the exceptions and that it is an offence, not only for the employer, not only for the business that decides to stay open, but also for the employee to go in on a Sunday and contravene this legislation.

We all realize the economic consequences that may result from an employee refusing to work on a Sunday, and we are cognizant that there is currently insufficient legislation on our books to prevent that from happening, but I urge the employers and the business community in this province to realize that if they choose to breach this legislation and to operate their stores on Sunday, they are not only breaching this legislation; they may also be breaching sections 77 and 78 of the Provincial Offences Act in terms of their procuring another employee to breach a piece of legislation. They are breaching more than one law; they are breaching a number of laws. I urge them to respect the law in order that we uphold the rule of law and the fibre that has kept our society going for these many years.

There is an interesting provision in this legislation which I had some experience with a number of years ago. It is another one of the exceptions. Section 4 is a permissive section. It

permits a municipality to designate any portion of its city, county or town as a tourist area. That being done by a local municipality, that area would be allowed to have its retail operations operating on Sundays.

A number of years ago, in my former life as an alderman in the great city of North York, we came upon a proposal put forward by our mayor to declare all of North York a tourist area. He felt that if places such as Harbourfront could be designated as tourist areas, why could we not so designate all of North York?

When we looked at the inequity created by this section, which allows a place such as Harbourfront to be designated as a tourist area but not the Eaton Centre, Yorkdale or any of the other major malls that I am confident could compete as effectively as Harbourfront as tourist areas, the only way to remedy this inequity was to declare all of the city of North York a tourist area, thereby allowing all the stores to operate.

As a council, we looked at certain protections for the worker. We felt it was very important to protect them. The bylaw was never put forward or voted on, because we accepted that the majority of the people in North York did not want Sunday opening at that time, but we did look at protections for workers.

It was a provision of the bylaw that operations would be allowed only after 12 noon and that the employers would have only employees working there who wanted to work. It was to be on a voluntary basis for the employees, and any employer who breached the bylaw would be subject to a \$10,000 fine. That was premised on the fact that the mayor favoured Sunday opening then. I think he has since changed his position, and he never brought forward the bylaw.

That is an indication of some of the things we were looking at as a council to protect workers. They may not be sufficient or adequate in this circumstance. I hope we will not be faced with the decision of having an open Sunday. As I understand it, the Supreme Court of Canada will be ruling on the constitutionality of our law. If it upholds that constitutionality, we may not have this issue before us.

It is interesting that a number of members of this Legislature, particularly in the official opposition, have indicated we should listen to their position and to the results of their task force. It is evident to me that the position of the third party on this issue is quite clear and unequivocal. We know exactly where they stand, but I am having a little bit of difficulty understanding the position of the official opposition.

The Tory press release of January 8 stated: "The Progressive Conservatives—unlike the Solicitor General—start from the premise that the laws should be dramatically broadened," Grossman said." "Broadened" means opening up Sunday operations, yet some members of the Conservative Party today have been saying their task force has discovered they should not be opened up.

I quote from another member. On Metro Morning, the member for Oakville said, "I must admit we, reading the public view, feel there is a real necessity for some change, probably towards broadening of the current laws." He was also saying at that time that we should be broadening the law. I am having a little bit of difficulty understanding where that party is coming from, whether its members now have an official position on this and whether they are going against their leader. I would like to hear from them.

Apart from that, it is important to realize that in a minority situation we must take the points of view of all members of this House into account in reaching a decision. We must reach a consensus. We will listen to the official opposition and the third party, but let me not be misunderstood on this very important issue. It is our party's position that it is our mandate to govern. We have been given that responsibility by the people. We will govern, and we will not shirk that responsibility.

#### 17:50

**Mr. McFadden:** I am very pleased to have the opportunity to speak in this debate, which deals with a matter of great concern to people throughout Ontario. In researching what I might say today, I secured from the legislative library a copy of the report on Sunday observance legislation of the Ontario Law Reform Commission published in 1970. In the report of the commission, the first three recommendations read as follows:

"1. Ontario should provide legislative support for a uniform weekly pause day for as many persons as possible.

"2. The uniform weekly pause day should be Sunday.

"3. The Ontario legislation providing support for a Sunday pause day should be secular, and not religious, in both purpose and effect."

It seems to me that the recommendations of the law reform commission, which came out 16 years ago, remain valid and remain the approach that the people of Ontario would most choose to follow.



One of the other things in the law reform commission report that I found interesting was the variety of writings that pertain to the way Sunday laws have evolved since Roman days. I noted Constantine's edict of AD 321, which reads as follows:

"Let all judges and all city people and all tradesmen rest upon the venerable day of the Sun. But let those dwelling in the country freely and with full liberty attend to the culture of their fields, since it frequently happens that no other day is so fit for the sowing of grain and the planting of vines; hence, the favourable time should not be allowed to pass lest the provisions of Heaven be lost."

It is interesting that Sunday observance and the need for a day of rest was observed back in AD 321, although it was clear even then that the Emperor realized some exceptions were perhaps necessary for the effective running of society. The current legislation covers the types of exceptions that society finds generally acceptable. I hope the debate we are involved in today indicates the concern of this House that the current law be enforced.

I found it interesting to listen to the speakers of all parties who have very clearly stated their concern that Sunday be maintained as a rest day for the people of Ontario.

Since 1970, various proposals have been put forward concerning how a rest day could be embedded in legislation. There was a proposal that we have a floating pause day, and it was suggested a floating pause day would be a good idea because one person could have a pause day on Monday, somebody else on Tuesday, somebody else on Wednesday and so on. This would mean the beaches and all the various recreational facilities would not be very busy, because people would not all be there on a Sunday or a Saturday, but some people would be there on Tuesday, on Wednesday, on Thursday, on Friday or on Monday.

While this seems theoretically to be an interesting idea to look at, in fact, on very careful study by the law reform commission and by social scientists since, it does not hold much water, since it would create havoc for families. You can imagine the situation where, say, the father is off on his rest day on Tuesday, the mother's employer allows her to be off on Thursday and the kids are off on Saturday and Sunday. Therefore, the law reform commission recognized back in 1970, as this Legislature and most people who have looked at the issue through the years have clearly recognized, that there

should be a common pause day so people can more properly organize their affairs.

It is very clear that the concern being raised in this House today and by people who are concerned about the proposal to make Sunday an open day is that simply opening up Sunday would do absolutely nothing to enhance family life or to promote healthy community values. In fact, quite the contrary, a wide-open Sunday would very seriously damage healthy family and community life in Ontario.

People need a day to share with their families. Fathers and mothers need a day to share with their children, and husbands and wives need a day to share together. We also need in society a day that is quieter than others, a day of rest, a day that is not as commercial as every other day, a day when people can go out and share recreational activities with their family and friends. That is a healthy approach to legislation. It is an approach to life that we should be following in this province.

In addition to the whole area of family life, I would like to raise a matter that has not been touched on today but is of real concern in my riding. In the riding of Eglinton, we have a number of major thoroughfares that are significant commercial districts: Yonge Street, Eglinton Avenue, Mount Pleasant Avenue, Bayview Avenue and Avenue Road. Today, the amount of commercial activity that is taking place on each of those streets is creating a tremendous disruption for the surrounding neighbourhoods as a result of traffic congestion and a very serious shortage of parking spots.

The people who are living near commercial areas such as Yonge and Eglinton in my riding, and in ridings throughout Toronto and around Ontario, would find that a wide-open Sunday would be tremendously disruptive as well for their neighbourhoods. I hope we try to ensure in this province that the kind of disruption caused by commercial areas adjacent to neighbourhoods will not be a feature of Sunday life, as it is on other days of the week.

I would like to join other members of this House in urging the effective enforcement of the existing law dealing with Sunday observance. I urge retailers throughout the province to obey both the letter and the spirit of that law. I commend the various retailers and others who have chosen not to follow some of their colleagues in seeking to break the law openly in a way that brings disrepute to commercial life in this province.



I hope that, regardless of what the Supreme Court may do, we will continue to ensure that we have a common rest day for families to observe their religious practices, if they choose; or if they choose not to observe it as a religious day, at least to allow people to have a day of rest when they can go out and be with their families in fun and recreation.

I believe that is in the best interests of this province. It is a value this Legislature should be advancing, and I am very pleased that the members who have spoken so far today have all gone along with that point of view. I think that is in the best interests of all of Ontario.

**Mr. Philip:** In the very limited time available, let me say it seems to me that what we are talking about is not a religious issue; it is basically a family issue. Dr. Mutchmor, for whom I have had the greatest admiration over the years, always used to talk about how Sunday closing had nothing to do with religion; that if we were not Christians, if we did not believe Sunday was a day of rest, we would still have to invent it. There would have to be one day in which families could recharge their batteries and get together. That is the issue we are facing.

When I think of the kind of telephone calls I have been getting, I must empathize with the people in my riding who are concerned about it. I had a call today from a woman who said: "I am a teacher. My husband is a manager at Canadian Tire. Canadian Tire franchises have been told to stay open on Sunday. As management, he has no choice. When will we have a time to get together with our children?" That is the issue.

For some small businessmen, it means they have to stay open to compete. Some other small businesses, such as bakeries and so forth, say that

if the large stores are allowed to remain open, they will be forced into bankruptcy. We can talk about labour laws as much as we want, but essentially we need a tough law that prevents the stores from opening. No matter how strong the labour laws are, there will be a certain amount of coercion on the employees.

**Mr. Speaker:** That completes the allotted time for debate on the motion by the member for Nipissing.

I understand the Minister of Education (Mr. Conway) has information on the business for next week.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** I would like to indicate the business of the House for the coming week.

On Monday, December 8, the committee of the whole House will deal with Bill 26, on the retail sales tax, which will be followed, time permitting, by Bill 7 in committee of the whole.

On Tuesday, December 9, we will continue consideration of Bill 7 in committee of the whole, if started on Monday. Otherwise, we will deal with legislation in the following order on Tuesday and on Wednesday, December 10: Bill 14, then committee of the whole on Bills 7, 158, 108, 112, 90, 139, 127 and 167.

On Thursday morning, December 11, we will deal with private members' business standing in the names of the member for Haldimand-Norfolk (Mr. G. I. Miller) and the member for Peterborough (Mr. Turner). On Thursday afternoon, we will debate three committee reports concerning conflict of interest—orders 50, 52 and 53.

The House adjourned at 6 p.m.

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No. 76

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Monday, December 8, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 8, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### HOSPITAL BEDS

**Mr. Gordon:** My statement is addressed to the Minister of Health (Mr. Elston). I want to tell the minister how disheartened and displeased I am with the recent announcement made by him with regard to the number of chronic care beds that are going to be provided in the Sudbury region. Surely the minister realizes that Sudbury has become the medical referral centre for northeastern Ontario. The number of heart operations and procedures taking place at the Sudbury Memorial Hospital, along with the recent announcement of our cancer treatment centre, is going to require many more acute care beds.

The problem, as we see it in Sudbury, is that the minister made a decision to provide 60 chronic care beds in the Sudbury region, when in 1982 a report made it very clear that we required 100. I urge the minister to reconsider. We have a crisis in the Sudbury region. We have ambulatory patients who are left in the corridors because there are not enough acute care beds. People have been turned away from hospitals because of a lack of acute care beds. It is absolutely essential that the minister reconsider his position and re-examine the situation in Sudbury.

### RIGHT LIVELIHOOD AWARD

**Mr. Martel:** Dr. Rosalie Bertell, the Toronto nun who has been fighting nuclear power and nuclear weapons for much of her life, is receiving the Right Livelihood Award today for her outstanding work in promoting environmental health. The award of US\$25,000 is being presented at the Swedish parliament.

Dr. Bertell, a Toronto resident, has been working in the environmental health field since 1970. She is the noted author of *No Immediate Danger: Prognosis for a Radioactive Earth*, and is president on the board of directors and director of research for the International Institute of Concern for Public Health, which is based in Toronto.

The Right Livelihood Foundation is a private foundation based in the Isle of Man. It was founded in 1980 to supplement the Nobel prizes, which is why the awards are referred to as alternative Nobel prizes. Award winners are selected by an international jury. Awards are given to those who demonstrate practical and exemplary solutions to the most urgent problems of the day.

A former cancer researcher, Dr. Bertell started a medical assistance program for natives of the Marshall Islands in the South Pacific who were affected by the radiation produced by American nuclear testing. She has fought against nuclear-waste dumping, from the radioactive soil of the old dump site on Scarborough's McClure Crescent to the Nevada Mines where Navajo Indian miners dig for uranium.

Her health advocacy concerns also include the effects and consequences to nearby residents of an abandoned sulphuric acid plant near the Serpent River, Ontario, a nuclear production facility. I want to congratulate her.

### EDUCATION FUNDING

**Mr. Reyecraft:** During the campaign for the second leadership convention of the Progressive Conservative Party last year, the member for Don Mills (Mr. Timbrell) said the real issue facing the party was selecting leadership the members could trust. I would assume he was trying to tell all of us something about one or both of the other candidates.

After listening to the Leader of the Opposition (Mr. Grossman) on Provincial Affairs Saturday night, I have a better appreciation of the concerns of the member for Don Mills.

The Leader of the Opposition said, "The Liberal government's support to our schools this year reached an all-time low." I want to remind the honourable member that this government's support for education, contrary to what he told the Ontario public on Saturday night, is higher than provincial support has ever been in the history of Ontario.

I want to remind him that last year, with inflation at about four per cent, we increased the operating grants to school boards by 5.4 per cent. This year, with inflation at slightly more than

four per cent, we will be increasing the regular operating grant by six per cent to \$3.4 billion. In the important area of capital grants, we have more than doubled the provincial support since we took office a year and a half ago. When we took office, the ministry capital grants were at \$67 million and had been flat-lined for several years. We increased that figure to \$107 million in 1986 and the minister recently announced it will be \$147 million in 1987.

#### ENERGY INNOVATION AWARDS

**Mr. Stevenson:** I would like to congratulate Robert Smith, president of Eneroil Research Ltd., formerly of rural route 1, Pepperlaw, and now living in Whitchurch-Stouffville, who has just won the New York State Governor's Award for Energy Innovation for 1986, and last week also won a United States Federal Energy Innovation award. These awards are for the development of a very high efficiency furnace to burn heating oil.

Because of sloppy handling by the Ontario Energy Corp., Eneroil's business plans have not gone as expected. Last week the Ontario Energy Corp. decided to unload its shares and, as a result, the bank moved in on Eneroil Sales.

This has resulted in the cancellation of an order of 475 high-efficiency furnaces by an American company. It had previously received 825 furnaces. To date, 13 people have been put out of work in Hunter Enterprises, Orillia, with the layoff possibly totalling 30.

Is this the way the government intends to handle award-winning entrepreneurship in Ontario? Does this government not care about the job losses? Is it the mandate of the Ontario Energy Corp. to sell a portion of its technology to Americans? Mr. Smith would have appreciated a small portion of the \$17.5 million that went to Abe Schwartz, a buddy of the Premier (Mr. Peterson).

#### JOB IN AUTOMOTIVE INDUSTRY

**Mr. D. S. Cooke:** Last week, General Motors of Canada announced it would be laying off nearly 400 employees at the GM trim plant in the city of Windsor. I believe this is the tip of the iceberg.

At the same time, General Motors in the United States worked out a settlement with Ross Perot which, as part of his severance package, works out to \$1 billion in cash to Mr. Perot to get him off the board of directors. The money going to Mr. Perot is 50 per cent greater than the savings General Motors can anticipate from

closing down nine factories and laying off 29,000 workers.

The payment to Mr. Perot is equal to an extra \$162 per car produced by General Motors in one year. Close to 20,000 GM workers could be kept on the payroll if the money went to workers instead of this high-rolling billionaire. If the money spent by buying out Mr. Perot were instead spend on working people, they could buy cars and boost the demand for cars by 63,000 vehicles.

What we need in this province is an examination of content legislation and a pushing of the federal government harder than ever for content legislation to save jobs. We need legislation that will, for the first time, put in position justification requirements and a reform of the severance package as well as adequate notice. The laws to protect workers are inadequate.

#### ROTARY AWARD

**Mr. McGuigan:** I wish to draw members' attention to the member for Algoma-Manitoulin (Mr. Lane). On Saturday last, he was honoured by the Gore Bay Rotary Club, when it presented him with the Paul Harris award. The award is given in recognition of the member's service above self. Just two of the honourable member's achievements are the Flower of Hope School on Manitoulin and the total-needs complex for seniors in Espanola.

The award cost the Gore Bay Rotary Club US\$1,000—I suppose that is about C\$1,400—and the money goes to the Rotary International project known as Polio Plus. By the year 2005, which will be the centenary of Rotary's founding by Paul Harris, a lawyer from Chicago, Rotary hopes to eliminate the scourge of polio and other childhood diseases that can be eradicated by immunization programs.

They expect to raise and spend hundreds of millions of dollars to fund this worldwide project. The member for Algoma-Manitoulin was president of the Gore Bay Rotary Club in 1968-69 and now, because of his legislative duties, is an honorary member. I hope members, fellow Rotarians, will join me in congratulating the honourable member for having received the Paul Harris award.

#### EQUALITY RIGHTS LEGISLATION

**Mr. Jackson:** I will save for another day my tribute to the Burlington Teen Tour Band. In the remaining time, I would like to say something on behalf of the citizens of Burlington, who this weekend were raising serious questions about

Bill 7. They specifically want to know whether our illustrious Attorney General (Mr. Scott), as he has given \$1 million to women in Ontario to fight the Charter of Rights and Freedoms, is going to do the same for homosexuals in Ontario.

13:42

## STATEMENT BY THE MINISTRY AND RESPONSES

### MINAKI LODGE

**Hon. Mr. Eakins:** I would like to make public the agreement signed on Friday between the government of Ontario and Four Seasons Hotels Ltd. regarding the sale of the properties known as Minaki Lodge Resort Ltd. and Minaki Development Co. I am also tabling documents relating to the selection of the purchaser.

As I stated in the Legislature on October 23, the government is complying in this matter with the unanimous all-party recommendations of the standing committee on procedural affairs and agencies, boards and commissions. That committee found that the government should not be in the hotel business, and this government agrees.

It was clear that the lodge had to be sold. Before recounting to this House the details of the sale process and of the purchase agreement, I believe I should inform honourable members of some of the difficulties which we have encountered.

The long-term debt to the province carried on the Minaki books currently totals more than \$37 million. The cost of Minaki Lodge to the government for 1985-86 amounted to almost \$1 million. For the current year, excluding any costs related to the sale, it is expected that the cost to the government will be in excess of \$1 million.

This deteriorating position reflects an occupancy rate of 63 per cent, which is a decline of nearly 10 per cent from last year. This is an even greater decline from the 76 per cent originally projected for this year by Radisson Corp., the current operator of the lodge.

When Radisson informed us of these developments in mid-season, it blamed Expo 86 for creating an aberration in its projections; nevertheless, it also scaled down its multi-year targets.

Including head office, tax and insurance costs, it is clear that under government ownership the lodge will continue to lose money during the next five years at least. This projection does not include necessary capital replacement or debt servicing costs. While future losses cannot be accurately estimated, on the basis of past performance and assuming improvement in future years, the best estimate of the government

funding required for Minaki to the year 1992 is at least \$2 million, excluding major capital improvements. Four Seasons has allocated \$500,000 for capital improvements in 1987 alone.

Even if Radisson is correct in attributing the drop in 1986 occupancy to Expo, Minaki Lodge is still faced with a transition from being a new resort to one that has a stable repeat-business clientele with a high occupancy rate, the only way a seasonal resort can make money. This is particularly crucial in the case of Minaki Lodge because of its isolated location.

In addition, the size and structure of the physical plant require a very high level of maintenance. No reserve has been maintained for these inevitable expenditures. Also, because of the continuing losses, the lodge has been unable to meet even its obligation under the Radisson contract to provide a reserve for normal furniture, fixture and equipment replacements.

The government has already had to commit \$230,000 in this fiscal year for capital improvements to the lodge's sewage treatment system to correct a problem that results from inadequate attention to the design, location and maintenance requirements at the time the lodge was reconstructed in the early 1980s.

So far, I have talked only about operating and capital overhead costs. For the lodge to keep and enlarge its clientele, it clearly needs to upgrade and expand its facilities on an ongoing basis. I should note that all the bidders on the lodge identified an immediate requirement for significant capital improvements.

While the costs associated with Minaki have been a major concern, they are not the only problem we encountered. The accounting and legal documentation of the two Minaki companies has also posed serious difficulties.

Since 1978, the audited financial statements of Minaki Lodge Resort Ltd. have recorded funding from the province as loans, forming a major part of the \$37 million in long-term debt which I mentioned earlier. The financial statements were verified by the company's external auditors and were endorsed by the government of the day as the shareholder.

The government also took security for these loans in the form of debentures in favour of the Ontario Development Corp. These debentures were initially issued in 1978 and increased in 1983. Nevertheless, the bulk of these moneys was actually flowed to Minaki through the annual estimates of the ministry responsible rather than



through ODC, which was the holder of the debentures.

We also encountered numerous complications in the area of legal documentation. From the state of the records of the companies, it would appear that due diligence was not exercised at the time the lodge was acquired.

For example, at the time the province acquired Minaki Lodge in 1974, a plan of survey was not done, nor was one undertaken before the province began the major reconstruction of the lodge. To facilitate this sale, a new plan of survey was completed this fall. This new plan of survey, conducted by Ministry of Transportation and Communications survey crews, has identified numerous problems with encroachments, water-lot occupancy and private rights of way, including the fact that parts of the Minaki golf course are not on lodge property.

The lack of diligence after the lodge was acquired extended to other matters as well. From 1974 to mid-1985, unauthorized decisions were made because of the lack of a properly constituted quorum of the Minaki board. Between 1980 and 1982, some directors were appointed without holding required directors' shares.

In 1980, the charter of the two companies lapsed because of a failure to obtain a certificate under the Canada Business Corporations Act. This problem was not addressed until January 1986, when articles of revival were filed with the federal government.

During this same period, the board's decision-making practices were also inconsistent with the Canada Business Corporations Act.

From 1974 to the appointment of a new board in January 1986, the vast majority of nominee shareholders did not sign appropriate declarations that their shares were held in trust and did not properly endorse their shares upon resignation from the companies.

From 1980 to 1986, the minute books of the two Minaki companies were not properly maintained. For example, the minutes of the two companies were not prepared into separate books and thus were not properly approved by each board of directors.

I have subjected honourable members to this litany of problems because it is essential background to understanding our difficulties in completing this sale. None of the problems I have outlined proved insurmountable, but they have increased costs and delays involved in the making of the sale itself.

Many of the difficulties will be overcome by omnibus resolutions of the present Minaki board

or by this government's best efforts prior to closing at the end of December. Others will simply remain, having been disclosed in the very lengthy share purchase agreement I am tabling today. To ensure that the sale is conducted with proper authority, cabinet has passed a special order in council conferring upon me all the authority of the various ministries that have been involved with Minaki. This order in council also authorizes the ODC to relinquish its debt and debentures.

With this background, let me turn to the process we followed in effecting this sale. An intensive and comprehensive search for purchasers was conducted. Proposals were solicited from 41 potential purchasers. Subsequently, 13 companies indicated some interest in purchasing Minaki Lodge. Negotiation with these 13 respondents resulted in only four having a possible interest in a purchase which would meet the standard of keeping the lodge in operation as a five-star resort. These included Shelter Corp. of Canada Ltd., the Granite Group of Companies, Meadowood Developments and Four Seasons Hotels Ltd.

Our analysis of the bids identified Four Seasons Hotels as the purchaser which best met our requirements. The sale to Four Seasons was supported by the board of directors of Minaki Lodge. A valuation of Minaki Lodge as a going concern was obtained from the consulting firm of Laventhol and Horvath on data available in May 1986. Their valuation was \$3.1 million by an owner-operator or \$3.8 million by a syndicator-promoter. This valuation was based on the original optimistic budget targets I mentioned earlier.

As the season progressed and the lodge failed to meet its revenue projections, a second valuation was obtained from chartered accountants Coopers and Lybrand. They placed the value at between \$1 million and \$2 million without consideration of a value on the potential tax loss provision.

Regardless of how many estimates are obtained, the value of a company depends on what a purchaser is prepared to pay. In the case of Minaki, the purchase offer calls for payment of \$4 million to the province in exchange for the outstanding shares of Minaki Lodge Resort Ltd. and Minaki Development Co. Also, over the next year, Four Seasons Hotels will invest a further \$1.5 million in the development and operation of the lodge.

In our selection of a purchaser, we focused on several important points. Foremost among these

was the requirement that the purchaser continue to operate Minaki Lodge as a five-star destination resort. The guarantee of Four Seasons extends for seven years with a five-year, no-sale clause. Indeed, even if Four Seasons were to sell the lodge after the stipulated period, the potential purchaser would have to satisfy the province that the lodge would remain as a five-star resort until December 1996.

The ability of the purchaser to maintain the lodge as a benefit to the local region and to furnish the knowledge, expertise and financial stability to ensure the future operation and reputation of the lodge were also key requirements.

Four Seasons responded to our concern that Minaki Lodge continue to play a beneficial role in the community. It is the intention of Four Seasons Ltd. to set up the Minaki Foundation, which will provide to the local community some of the undeveloped land in the Minaki town site, and on an annual basis, a percentage of the lodge profits. This foundation, with a board composed of local community representatives and representatives from local native groups, will receive an initial grant of \$100,000 from Four Seasons Hotels Ltd.

Our concern also extended to the future of the employees of Minaki Lodge. I am pleased to say we anticipate that most permanent and managerial employees of Minaki Lodge will remain with Minaki. Severances for those who do not continue are at a cost that will be borne by the purchaser.

It was also necessary to consider the tax implications of the sale. Ontario recognized that any purchaser would be acquiring a lodge with an established track record of past losses, with current losses and with a strong potential for incurring substantial costs and losses in the future. In these circumstances, the government instructed its selling team to act exactly like a private sector seller in obtaining the best possible deal for Minaki.

In the sale of companies, it is common and normal for potential downstream tax benefits, which might result from the acquisition of a company, to feature as part of the negotiations, particularly in carrying forward any undepreciated capital costs to reduce future taxable income.

Consequently, as part of the negotiations, Four Seasons sought confirmation that certain advances by the province over the years were made as repayable loans that would not therefore reduce Minaki's available undepreciated capital

costs. An opinion from the firm of Coopers and Lybrand, which is included in volume 3 of the documents I am tabling today, identified the potential of Minaki's undepreciated capital costs.

The selling team also obtained legal advice from the firm of McCarthy and McCarthy that substantially confirmed the opinion of Coopers and Lybrand concerning the tax status of the government loans. However, because the province is a beneficial party in the transaction, we decided it would be more appropriate to confirm the status of the loans for Ontario tax purposes by order in council rather than by issuing an advance ruling by the Ministry of Revenue.

The exact amount of Minaki's undepreciated capital costs that can be used for Ontario tax purposes will be determined only when Four Seasons files its tax claims in the ordinary way. Therefore, the share purchase agreement carries a specific acknowledgement by Four Seasons that "the vendor makes no representation or warranty as to the amount of any losses of the corporations for tax purposes pursuant to any taxing statute."

To summarize, the selection of Four Seasons fulfils our requirement to find a purchaser with the capability, motivation and commitment to make Minaki Lodge a viable commercial operation. As the premier Canadian-owned, international hotel chain, Four Seasons is committed to putting its expertise and resources behind the lodge which, under the terms of the agreement, will be operated as Minaki Lodge—A Four Seasons Resort.

In addition, our concern that the property be turned over to a purchaser with specific expertise in operating resorts was met by Four Seasons Hotels Ltd. in its management agreement with the Elgin Group. Michael Grise, who heads the Elgin Group of Port Carling, has long experience in resort management. He is the incoming president of Resorts Ontario.

The documents I am tabling today are also being delivered to the chairman of the standing committee on public accounts. They provide a complete account of the bidding process that resulted in the selection of Four Seasons Hotels Ltd. as the purchaser. Also included in the documents are the Four Seasons Hotels purchase offer and an unsigned copy of the final agreement.

John Kruger, special adviser on crown corporations, will be available to answer questions and provide greater detail on the more complex aspects of the purchase.



It is my firm belief and that of the chairman and board of directors of Minaki Lodge that in concluding this sale, we have acted in the best interests of the taxpayers of Ontario. At the same time, we are assured that by undertaking this transaction with a prestigious owner and an experienced operator, Minaki Lodge will realize its potential as a five-star resort. We have also ensured that it will continue to play an important role in the tourism industry from which much economic benefit is derived in northwestern Ontario.

**Mr. Rowe:** In response to the minister's statement regarding the sale of Minaki Lodge, let us make it quite clear at the outset how this government sells crown assets.

On January 9, 1986, when questioned by the press, the Premier (Mr. Peterson) stated: "I have no idea what one might get for it. I suspect not very much." That is a great way to establish the selling price of a crown corporation before doing business. The Premier joked he might throw it in with the Urban Transportation Development Corp. It is interesting that about 40 possible buyers lined up to bid on the lodge. That is rather a large number to bid for something the Premier said was not worth very much.

From October 23 to the present, December 8, the government has not answered any questions regarding Minaki with respect to job guarantees, etc. I am pleased our ongoing questions have no doubt built in some safeguards for the people in the area that probably were not there before.

Once again, we read details of the sale in last week's media, something this side of the House is not finding very new with this leaky government, which simply tells the media before bringing it into this chamber.

The minister failed to mention in his statement that this deal was not a sale. This deal of \$4 million was more of a giveaway. The buyer purchased a tax loss of approximately \$25 million to \$30 million, which actually means \$4 million in cash lost to the Ontario taxpayers.

Every time this government has the simple task of selling something, it ends up giving us eight million reasons for doing what it did. There was no sale; the government simply gave Minaki Lodge away.

**Mr. Wildman:** As we all know, Minaki Lodge is a monument to Tory mismanagement. The member for Kenora (Mr. Bernier) turned this into his own private sinkhole, and the public of this province has been paying for it ever since.

I regret very much that today we have an announcement by this government of the sale of

this Château Bernier to a private corporation for less than one tenth of what it cost us to build and renovate it. On top of that, it appears the tax breaks included in the agreement with the Four Seasons hotel chain will mean that we may continue to pay. In fact, Four Seasons may not be paying anything for Minaki Lodge. We are giving it to them.

It is interesting to see how the Four Seasons chain itself views this so-called sale. In its view, it is a disposal. That is what it is. This is a disposal of an asset that is not worth a thing and has cost us more than it is worth. It will never be the kind of facility it was intended to be, largely because of its location and poor planning. Radisson did not know what it was doing or what it was planning; it was given an impossible task by the previous Tory government. The Tories saved the bacon of the original investor, who owed the government \$500,000, at a cost of \$40 million to the province.

It is unthinkable that we should have to continue this paying, but it appears the agreement with Four Seasons means we will continue to pay for a loser. It will always be a loser. As I said, it is a monument to the inability of the Conservatives to manage the economy and to deal with the need for jobs in places such as Minaki and northwestern Ontario.

**Mr. Breaugh:** This may be an example of where a legislative committee can do some good. Until the standing committee on procedural affairs, as it was known at that time, went to Minaki Lodge to assess it as an agency of the government, the general belief on paper was that the people of Ontario had spent about \$17 million to \$20 million on the lodge. After our slight investigation, it was determined we had spent in excess of \$50 million on that one lodge.

There were a number of things. For example, the report today mentions there is a ski hill at Minaki Lodge. We went to see the ski hill. It is overgrown with bush. It was put in place in the first instance by means of a federal government grant. None of us had ever heard of that. That was never recorded here, nor was the investment in the ski hill ever recorded. It is a ski hill about the size of the one in Etobicoke, and badly overgrown with bush.

It is true that in our determinations we said at the end there was not very much sense in the government of Ontario being involved in that process. In that way, we are happy with the actions of the government today, but Minaki ought to remain for ever in our minds as a lesson to be learned by governments in Canada on how



not to do things, how not to cover up the amount of actual expenditures made on a facility and how not to proceed into a field of endeavour where the government is not comfortable and does not do well.

Minaki Lodge is a jewel. It is on a very pleasant site but is of course in the wrong place for most of the people of Ontario. The people served by that lodge were from Manitoba and the United States, not Ontario, because it is very difficult to get there from most of Ontario. It could have been a good place for native people to learn how to work in the hotel business. When we were there, one native person was employed at the lodge. Very few people employed at the lodge were from that community. Most of the people employed there were from southern Ontario, from community college courses in hotel-related industries.

It is a sad lesson. I guess the critical part is, did we learn anything from this lesson? Did we learn that legislative committees, for example, should be able to investigate these expenditures? Did we learn that governments ought to be accountable for the moneys they spend? Did we learn that this is perhaps not the most appropriate field for governments to be involved in? It is a sad mess. It is certainly an expensive tale. Let us hope we have learned a lesson.

14:06

## ORAL QUESTIONS

### PROTECTION FOR HOME BUYERS

**Mr. Grossman:** I have a question for the Minister of Consumer and Commercial Relations with regard to the terrible situation faced by the potential home buyers in Bolton who apparently lost right out from under them the houses they agreed to purchase. They are now being asked by the very builders who sold the houses to them to buy the houses once again for as much as \$40,000 more.

I hope the minister will remember that this issue respecting buyers in this situation was first raised in this House by my colleagues as long ago as March 12, again on March 25 and consistently through the course of this year. Notwithstanding the fact that this was drawn to the minister's attention nine months ago, it is quite clear he took no action whatsoever to avert the situation falling upon the Bolton home owners.

Can the minister outline specifically what steps he took from and after March 12, 1986, when this issue was raised with him, that might have prevented this problem from occurring?

**Hon. Mr. Kwinter:** I am pleased to respond to the Leader of the Opposition and to tell him what has happened. There have been requests that we bring forward legislation to protect people who get caught in this situation. It is my feeling and that of the people in my ministry that it is virtually impossible to bring down legislation that will be effective. We would be in a situation where we could not legislate supply, weather or some of the problems that happen as a result of other jurisdictions, such as subdivision approvals and building permits.

Notwithstanding that, we went to the building industry—the Ontario Home Builders' Association and the Toronto Home Builders' Association—to ask whether it could address this situation. Members should know that the home-building industry in Ontario is one of the biggest industries we have. By and large, the vast majority of its members are ethical, honourable and competent businessmen. Notwithstanding that, we do have these problems. I hope to have an announcement, in conjunction with the industry, within a week or 10 days on how it plans to cope with this situation.

**Mr. Grossman:** In point of fact, the minister decided to do what the government likes to do a whole lot, which is to put together a committee to study a situation that we warned the minister about many months ago. He did that only on November 6. He also undertook that he would have a report by December 5. That date has now passed.

My question is related to what the minister did from the time we raised this issue with him, on March 12, until November 6, when he announced the study. Clearly, the correspondence between the minister and my colleague the member for Oakville (Mr. O'Connor), who raised this issue with him, indicates the minister did nothing during that time and was not too concerned about it. In view of that, will the minister undertake this afternoon to say to those home owners that the Ontario government will conduct an investigation into their specific problems and that it will underwrite any and all legal costs which befall those home owners as a result of his unwillingness to do anything about this problem before it arose?

**Hon. Mr. Kwinter:** I do not agree with the Leader of the Opposition that we did nothing. We have been meeting on an ongoing basis with the industry since March.

**Mr. Harris:** He has done nothing effective.

**Hon. Mr. Kwinter:** The member may not think anything effective is happening, but we are

working on a solution. At this very moment, at two o'clock as a matter of fact, ministry officials are meeting with the home builder to see whether we can work out some resolution.

In answer to the member's question, I will not give him the assurance that we will underwrite the legal cost because I do not know the situation. The information I have is that the builder entered into a legally binding contract and did nothing illegal. However, if we do find that the builder has done something where we can bring to bear on him sanctions under the Ontario New Home Warranty Program, we will do that.

**Mr. Grossman:** If the minister has been meeting since March, of which there is no evidence—and his communications to my colleague indicate no evidence—surely it is an admission that his influence over the industry and his ability, as a result of those meetings, is zero. From March until this situation occurred just last week, he has succeeded in doing nothing and has had no reaction from the industry. No action was taken to stop this terrible situation from developing.

Can the minister at least give the House this undertaking this afternoon? If the allegations of the home owners with regard to this firm prove to be correct, that is if it did not apply for the building permits that the municipality says were available, will he give a firm and clear undertaking to this House that this company will be declared by him, the Premier (Mr. Peterson) and the Minister of Housing (Mr. Curling) as ineligible for any and all government assistance under any and all government housing programs for a long time?

**Hon. Mr. Kwinter:** In 1983, the Leader of the Opposition's party brought in amendments to the Planning Act that allowed permits to be issued to builders to start building without building permits. That party had 42 years to deal with this. We are working on this problem. If the member takes a look at any of the press reports, he will know we have been addressing this problem since last March. There will be a resolution that will correct the inadequacies of that party's program which led to this. In the opinion of the members opposite, every problem has developed in the past few months. We are reaping the harvest of their poor management.

**Mr. Grossman:** If the minister does not like the law, he should change it. If the firm did something wrong, the minister should disqualify it from government programs.

**Mr. Speaker:** Order. Time for a new ques-

**Mr. Grossman:** Anything but action.

#### SUNDAY TRADING

**Mr. Grossman:** I have a question for the Attorney General. Perhaps over the weekend he and the acting Solicitor General have tried to figure out whether he does or does not instruct the police to lay charges. We are eager to find out what today's version is.

It is quite clear that a court decision is coming down next week and, as a result of that court decision, we might find real chaos out there, even greater than we saw last weekend and last week, because the courts may very well rule that the legislation is totally invalid. Given the fact that next Thursday may well be our last day here and given the fact that a Sunday follows three or four days immediately thereafter, can the Attorney General give the public some indication of what he intends to recommend if the courts rule the legislation invalid?

**Hon. Mr. Scott:** I would be delighted to give the honourable member some indication of what we intend to recommend. Would he be good enough to tell me the view of his party? I will take that into account in formulating our recommendation.

Interjections.

**Mr. Speaker:** Order.

**Mr. Grossman:** I remind the Attorney General that for the time being at least he is the Attorney General. He has the responsibility to give some guidance to the public with regard to what he intends to do after December 18. The Attorney General has had several months to read our recommendations. They stand. After several weeks of chaos and after one full year of warning that this court case was coming down, will the Attorney General give the public some guidance with regard to what he will do in the event the legislation is thrown out by the courts?

**Hon. Mr. Scott:** That is an eventuality that is possible, but in my opinion not likely. We will have to await the determination of the courts on December 18, and we will then promptly announce what is proposed.

**Mr. Grossman:** I want to draw to the Attorney General's attention that we have had one full year to review this. On December 29, 1985, under the headline, "A-G Gets into the Act," the newspapers reported that the Attorney General was undertaking to look into this thoroughly. Now, a year later, he is not prepared to give the public any indication of what he will



be saying in this House on the last day this House sits, the day the court decision comes down.

**Hon. Mr. Elston:** Where are you on this?

**Mr. Speaker:** Question.

**Mr. Grossman:** Will the Attorney General get off the legalese and the smart-aleck remarks and tell the public of Ontario what his response will be? Surely he has it by now. What will be his response if the law is thrown out by the courts? The minister should stand up and do his job.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** I not only got into the act, but last week I also asked people to phone me if they were fired.

**Mr. Grossman:** You did not answer the phone. You referred callers to your law firm.

**Hon. Mr. Scott:** The trouble was that the calls I got were all from members of the Conservative caucus.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** I am sure they do not feel they will be fired; they may feel it will not be long before they lose their seats.

**Mr. Speaker:** And the response?

**Mr. Davis:** Try us. Come on, try us. All you do is throw parties.

**Hon. Mr. Scott:** I should tell the House that we are considering the options that are available in the event that the Supreme Court of Canada gives one of a number of possible determinations on December 18. We will respond when we see precisely what the Supreme Court says.

**Mr. Grossman:** Wait till chaos sets in again.

**Mr. Speaker:** Order.

## SECURITIES INDUSTRY

**Mr. Rae:** My question is for the Premier and concerns the announcement that was made on Thursday in this Legislature by his colleague the Minister of Financial Institutions (Mr. Kwinter) about the importation of the casino economy into Bay Street, holus-bolus.

Can the Premier confirm that when he was in New York in November, he met with a number of movers, players and shakers in the financial industry? Can he confirm that those players urged his government to open up the border entirely with respect to American investment in our securities field? Can he confirm that is precisely what his minister announced last Thursday?

**Hon. Mr. Peterson:** When I was in New York, I met with a number of people in the financial business. The vast majority of those were Canadian firms that were working in New York, although there were a couple of other firms as well. There was a general discussion of the reregulation of the securities industry. I do not recall that specific suggestion coming forward at that meeting, although everyone was aware that we were in the process of reregulating the industry. That had been announced and there was no particular secret to that. There were discussions going on with the industry and the various people involved. It was not a particular thrust of that meeting.

**14:20**

**Mr. Rae:** The other day, the Premier said in this House that it was a question of eat or be eaten. It is perfectly clear just who has been eaten in this process.

Given all the opposition that the Premier has expressed to the whole tenor of the free trade talks—he has accused the Prime Minister of having negotiated away too much at the very beginning—can he explain why on Thursday the minister made a unilateral announcement that Bay Street in Toronto would be open season for American investors and for an American take-over without any sense of reciprocity, without any mention of the free trade discussions and without any mention of the negotiations that are going on with the United States?

Can he explain why he would have given up a very important bargaining chip in the middle of the discussions, in the middle of negotiations, just at a time when the Premier himself says Ontario is opposed to what is happening?

**Hon. Mr. Peterson:** I do not agree with my honourable friend's analysis. I know he has cottoned on to a few trite phrases lately, such as "wheel of fortune," "casino economy" and things such as that. It may indicate his contempt for the system—I do not know—but I do not particularly share that view.

Second, I would like the honourable member to know this is a multinational, multilateral issue, not a bilateral issue. I would like him to know, and I am sure he is aware, that the nature of the international financial markets has changed very substantially and gained great acceleration, particularly in the last year.

When the minister announced some six months ago—I believe it was in June—that he was going to open up and reregulate the market here and started discussions with the various financial agencies, and with consumers and others as well,



in a sense it was a leap ahead of the market. However, because it has been moving so very quickly and because the changes are taking place internationally and inside our country, in a sense we were overtaken by those events. Then we had a very fundamental decision to make: are we going to keep Toronto as a world-class centre of financial transactions or are we going to fall by the wayside?

The member opposite ideologically may not approve of what is going on—I do not know—but I am not prepared to sit back and see Ontario or Toronto become a boutique economy catering just to a few small transactions to satisfy some ideological whim. The leadership the government is providing on this issue will continue to keep Toronto, Ontario and Canada in the forefront of the international financial markets.

**Mr. Rae:** Talk about trite phrases; I think I just heard one. The Premier does not want Toronto to be overtaken; we do not want Toronto to be taken over. That, I think, is the real difference between us on this issue.

I would like the Premier simply to comment on all those studies, including the studies that have been done by his own task forces—most recently the Dupré task force on financial institutions, which said, “Such a system provides a discipline which would be lacking.” He is talking about a system that rigidly separates real from financial; which, in other words, makes a distinction as to who can own and what they can own, and would separate those people who can take money from the public from those people who are making investment decisions directly.

He says if we do not maintain a distinction between those two groups of people, we have what Mr. Dupré describes as the possibility of a self-financing ring. It could lead to the making of decisions that are not in the interests of the securities firm and its clients but are in the interests of outside investors.

Can the Premier explain to us why all those concerns about self-dealing, about self-financing, about takeovers, about an economy being taken over and about distinctions failing to be made were thrown out the window in one statement made by the Minister of Financial Institutions on Thursday?

**Hon. Mr. Peterson:** With great respect to my honourable friend, those matters are not thrown out the window.

**Mr. Rae:** They are.

**Hon. Mr. Peterson:** That is absolutely not right. The new securities reregulation deals with ownership of the industry. It does not permit

self-financing, self-dealing, non-arm's-length transactions and that kind of thing. It is a recognition, as the honourable member knows, of the nature of the international securities business where, with a single phone call, half a billion dollars' worth of financing can go abroad.

What the member opposite would have us do, I think, is sit back and see our financial sector just wilt in the city of Toronto. We are not prepared to sit back and see that happen. I do not suspect there is an expert he can talk to in this area who would agree with him in that regard. The world has gone far past even Mr. Dupré's report in a number of the suggestions he has had. It has been weighed very carefully in the deliberations.

Very wide consultations have been had. We know what is going on in Montreal and we know what is going on in Vancouver. We know what the federal government's intentions are in broad terms. I can say that the world and this country are marching forward even if the member is not.

#### NURSING HOMES

**Mr. Rae:** I have a question of the Minister of Health concerning statements made last week by officials of the Ontario Nursing Home Association.

The officials have said: “We can no longer cope. We are no longer responsible. We cannot deliver a level of care more closely tied to the residents' assessed needs. Now we will only continue to operate in a way that falls short of the residents' true needs and the families' expectation of our level of service.”

The minister is aware of his obligations under the Nursing Homes Act. He is also aware of the obligations of owners who wish to retain a licence. In particular, I note that the director can revoke or refuse to renew a nursing home licence where “the nursing home is being operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein.”

We seem to have a statement from the industry that says it cannot do its job. What does the minister intend to do about that?

**Hon. Mr. Elston:** The first thing I have requested is that my staff look into some of the charges that were made during that press conference to see exactly which facilities are not performing their role and which administrators are indicating they will not be able to carry out their role.

We are taking very seriously any suggestions made by individuals who operate nursing homes that they no longer intend to carry out the required care of their residents. I am very

concerned about people who, basically, are indicating they are no longer able to provide that service without, first, advising the Ministry of Health that they have decided not to proceed with the obligations they take on as a result of the licensing.

If we find there are some who are in that position, we will look after the needs of the patients first.

**Mr. Rae:** The minister seems rather casual. We now have the report of Dr. Crittenden. We have the reports of the Concerned Friends of Ontario Citizens in Care Facilities. Now we have a statement, at a formal press conference held by the Ontario Nursing Home Association itself which says it is not able to do its job.

We have a system which is in a state of crisis, in a state of collapse, and the minister says he is asking a staff member of his to look into it. I am asking the minister whether he is able to stand in his place today and say that every resident in Ontario in a nursing home is receiving the care that he or she ought to receive. If not, what is he going to do about it?

**Hon. Mr. Elston:** I do not think the honourable member has assessed appropriately my concern about the care that is needed for people in nursing homes. He knows full well that if there are people who are not receiving care in nursing homes in the province, my inspection group is bound to take a look at those. In fact, we would like to follow up and ensure that care is delivered.

There is an association with an agenda. That agenda appears to be to extract some \$173 million from the Ministry of Health and the government of Ontario for care. We have to assess exactly what that request is about. We have to make sure we can get services delivered for any money that is used to enhance the nursing home sector.

Apparently, the association's role is to say the type of things that will lever extra money from the government. That is perhaps its role. I can tell the member my concern is not so much with the association but with the welfare of the residents in those homes. We take seriously any suggestion that people are not being well cared for in those institutions.

**Mr. Rae:** I did not hear an answer to my question. The minister is responsible for the care and the health of 30,000 old people who are in nursing homes. The managers of those nursing homes have said they cannot cope, they are no longer responsible and they cannot provide the care that those residents, their parents, their

loved ones and their children have a right to ask for.

As the minister responsible, is the minister in a position today to stand in his place and say the care of those residents is a care that he is satisfied with and can guarantee? If he cannot guarantee it, he ought to make way for somebody and a government that can guarantee it.

**14:30**

**Hon. Mr. Elston:** I thank the honourable gentleman, because I can tell him we are looking at ways to enhance care in the nursing home sector. He knows we have announced a program that will require activation programs through contractual obligations between the owners and the Ministry of Health. He knows we have provided more money for incontinent care. He knows we are enhancing the position of people who are residents of nursing homes.

He will find this government will be seen to be very progressive. We have amendments pending, and we look forward to the support of all the people in this House to help us enhance the lifestyle of people in nursing homes. I look forward to the day when we get some constructive suggestions from the leader of the third party.

#### SUNDAY TRADING

**Mr. Grossman:** I have a question for the Attorney General. Will the Attorney General agree with me that the Sunday closing legislation is becoming very close to unenforceable?

**Hon. Mr. Scott:** There is no question but that the determination by the Ontario Court of Appeal two years ago and the pending redetermination to be made by the Supreme Court of Canada that will be released December 18 have led a number of merchandisers to gamble on the prospect that the law will be declared unconstitutional by the Supreme Court of Canada. That has led a number of stores not only in this province but also, as the honourable leader will see, all across the country to stay open on the prospect that any charges that are laid, which the courts will not now deal with, will have to be withdrawn if the Supreme Court of Canada determines the law cannot stand. Although I have been wrong before, I do not predict that result on December 18.

**Mr. Grossman:** I want to take a moment to outline the situation we have to the Attorney General. His leader said on January 7, 1986, that the law is "becoming very close to unenforceable." His leader did not attribute the violations to the pending court action; he said, "Any law that is violated so often—it may be an issue that



society in general has moved on and we have to reflect these changing attitudes."

We now have this situation causing some uncertainty. The Attorney General said on December 2 that "the power of the Attorney General does not include instructing the police" that they should or should not lay charges. On December 26, 1985, Sergeant James Knowlton at 52 division of the Metropolitan Toronto Police said: "Police received orders to lay charges from Attorney General Ian Scott this week."

Given this situation, is the Attorney General going to bring in legislation this week that will assure employees that, notwithstanding what the courts decide, they will no longer be in a position of being fined or fired?

**Hon. Mr. Scott:** The point to be observed, and the leader makes it correctly, is that there is some ambivalence in the public mind about whether shopping on Sunday is good and whether it should be permitted. The leader thinks it should. His colleague the member for Oakville (Mr. O'Connor) thinks it should not. This is typical of the division found in many communities across the province. It is not a matter about which anybody should be surprised. Following the conclusion of the matter in the Supreme Court of Canada, we will announce to the House what we propose.

Interjections.

**Mr. Speaker:** Order. The member for Essex North would like to ask a question.

#### WATER DIVERSION

**Mr. Hayes:** I have a question of the Minister of Energy, who will know that in 1952 and in 1973, the Ogoki and Longlac diversions were closed or reduced to alleviate problems created by high lake levels. Now that three of the five Great Lakes are higher than they have been in recorded history, will the minister agree to reduce or close these diversions and increase the flows through the Welland Canal?

**Hon. Mr. Kerrio:** The Ogoki diversion, which is generating a considerable amount of electrical power, has been closed from time to time. The fact of the matter is that the International Joint Commission is now examining those things that have an impact on the water levels of the Great Lakes; one of them is the Ogoki diversion.

In reviewing those initiatives, I am certain that closing Ogoki would be given as an undertaking by the IJC. At this point, the commission says that it is reviewing all these options and that it is looking for a lead agency from each of the federal

governments of the United States and Canada to play a major role in controlling the water levels.

That will unfold as it should; and as I have said many times the major responsibility rests with the two nations that share one of the largest freshwater bodies in the world. It is beyond the scope of any good-thinking person that a provincial government or the municipalities could encounter the kind of undertaking to handle the levels of the Great Lakes system. That is why it rests with the IJC.

**Mr. Hayes:** Because the Minister of Energy is also the Minister of Natural Resources, there is a conflict of interest between Ontario Hydro's interest in running the Ogoki and Longlac diversions and the protection of people and property along the lakeshores.

I know the minister will probably slough this off and blame the federal government again—

**Mr. Speaker:** The supplementary is?

**Mr. Hayes:** What level do the lakes have to reach before the Minister of Natural Resources can convince the Minister of Energy to do something about lowering the Great Lakes?

**Hon. Mr. Kerrio:** The honourable member is presuming that I am blaming the federal government for high water. I never said that. I suggested it has to make the decision about how we control the levels of high water. One is considerably different from the other. I do not think the member wants to deal with this issue except to get people excited in areas that do not properly belong in the provincial jurisdiction.

As far as I am concerned, the federal government is going to spend \$175 million to renew the Welland Canal, and it is undertaking to talk about some control on water levels there. If we spill water through the Welland Canal, the Minister of Energy is very anxious to see that we generate good, clean, hydraulic electricity. That is a must.

#### ACID RAIN

**Mr. McGuigan:** I have a question for the Minister of the Environment. Last week, a committee of international scientists confirmed the fears of people in southern Ontario that acid rain is a threat to human health and buildings, in addition to the death of lakes and the decline of forests in northern Ontario.

Today, there is a great deal of confusion surrounding the commitment of the United States to spend \$5 billion on acid rain abatement. US Energy Secretary Herrington told the Washington Post they cannot afford the \$5 billion. Secretary Herrington also suggested Canada has



accepted a scaled-down program. Canada's federal Minister of the Environment, Mr. McMillan, said the US is not reneging on this commitment.

Can the minister tell us what he has done to clarify this confusion of statements?

**Hon. Mr. Bradley:** The reference the honourable member makes—I read the same newspaper article the member did this morning—is to the US Energy Secretary and his statement.

When President Reagan and Prime Minister Mulroney met in March 1986, there was an understanding that there would be some significant progress—at least in terms of the communiqué issued—in the field of acid rain.

The major component of the US program, as I recall, was \$5 billion to go to research for clean-coal technology. I do not know how much of that is new money. I do not think it is all new money, although I wish it were. I am concerned when I hear the news media reports, as the member has, that even that \$5 billion, which is simply to look at research into clean coal, might be in some jeopardy. The Energy Secretary has tried to clarify that, but it is of great concern to us.

As all members of the House will understand, more than 50 per cent of sulphur dioxide produced and acid rain precipitation that results from it originates in the US and falls on eastern Canada; so it is a matter of great concern. I hope the Americans have not changed their minds on even that small initial step.

14:40

#### ALCOHOL ON OPP BOAT

**Ms. Fish:** I have a question of the Attorney General. The police investigation of the aptly named booze cruise indicated that the actions of the former Solicitor General, the member for Kingston and the Islands (Mr. Keyes) have, and I quote from the report, "affected the credibility of the marine awareness program and the holiday weekend blitz program for highway enforcement."

Does the Attorney General agree with Inspector Neish's opinion? Has the irresponsible behaviour of one of the minister's cabinet colleagues effectively undermined the credibility of the government in promoting campaigns against the use and abuse of alcohol?

**Hon. Mr. Scott:** I think the honourable member misread the police report. The issue that was being considered in the report was whether, in a case where a layman who had committed this offence or done these acts would not have been

charged, a person who was the Solicitor General alone should be charged. The issue the police refer to in that part of the press release is that if he were not charged, that would affect the credibility of the program. He was charged, and in my opinion, the credibility of the program is intact.

**Ms. Fish:** I was not quoting from a press release; I was quoting from the report, and I quoted it accurately.

Notwithstanding the Attorney General's response, I note there was no customary kickoff to this weekend's reduce impaired driving everywhere program. Did the minister cancel his media conference because he was too embarrassed by the trivialization of the issue by the Premier (Mr. Peterson) to come before the public, having lost his credibility in dealing with the seriousness of drinking and driving as promoted by the RIDE program?

Interjection.

**Hon. Mr. Scott:** Mr. Speaker, through you to the Premier, I am looking forward to the great encounter that is going to take place in St. George-St. David before very long.

When I referred to a press release, that was wrong. I meant to refer to the police report, a copy of which the member had. She will be interested to hear that in regard to the publicity associated with the RIDE program, the press conference that was fixed for Friday was postponed and will be held today at four o'clock in the press office.

It would be fun, for a change, if a member of the Conservative caucus came along to look at the efforts, of which we are very proud, to control drinking and driving in the province.

#### BEACH POLLUTION

**Mrs. Grier:** I have a question to the Minister of the Environment. Last June, when Toronto's beaches were being closed, I raised with the minister the fact that lakefilling projects on the Toronto waterfront had contributed not only to beach contamination but also to the presence of chemicals in our drinking water. The minister replied that he was considering changes in policy to have a better assessment of the impact of lakefill.

Last Friday, as the minister will know, the waterfront advisory board of the Metropolitan Toronto and Region Conservation Authority approved a plan that is going to require another 170,000 loads of fill to be dumped to create a marina off the Leslie Street spit. Can the minister tell the House what he intends to do about this?

**Hon. Mr. Bradley:** The member identifies a problem that is going to be important not only to Toronto. I know her own concerns are not simply about Toronto. A lot of lakefilling is taking place here, but it extends beyond Metropolitan Toronto.

I happen to believe that what was considered to be an acceptable manner of dealing with landfill in the past is not necessarily best now, for a couple of reasons. The member talked about those reasons in her initial question some time ago. One is that the natural flushing that can take place in a harbour area, which would naturally flush away some of the contaminants, does not take place as well as it should. The other is the possibility that contaminants might come into lakefill from various sites. That is a second issue.

Along with my ministry, I am reassessing the whole program of landfill as it relates to lake areas, for the reasons I have identified. I would think the member would support that reassessment to ensure that, if any future activity takes place, it is only without adverse environmental effects.

**Mrs. Grier:** That is exactly what the minister said last June, that he shared my concern, that he knew I was aware of the problem and that he was going to reassess the program. In view of the decision now taken by the MTRCA and in view of the fact that since last June he has not reassessed his program or made any announcement about it, what does he intend to do about the MTRCA's latest proposal?

**Hon. Mr. Bradley:** The fact that I do not announce everything does not mean we are not undertaking these kinds of activities. As the member knows, our ministry is not the kind of ministry that does a lot of bragging. We simply state what we are doing to address problems in the province. We are actually quite modest in that regard. We talk about both the bad news and the good news.

I know the member wants me to deal with her question rather than talking about the general policy of the Ministry of the Environment; so I will address that question.

This specific proposal will receive the very closest scrutiny, particularly because we have seen evidence of some adverse impact of the bacteria that can accumulate along the beach; or in view of the findings, for instance, of the recent federal report on the Leslie Street spit. We will be bringing together all the key players in this issue to discuss it and to determine how it can best be handled. There simply will not be a carte blanche for the filling that will take place in that area.

## SALE OF LANDS

**Mr. Gillies:** I have a question for the Minister of Municipal Affairs. My colleague the member for Brock (Mr. Partington) has asked him about the rather controversial land sale in the town of Vaughan, a sale of 14 acres of prestigious industrial land to be serviced by the municipality. The sale was made against the advice of staff for \$2.75 million, on the strength of a deposit of \$20,000 as opposed to the usual 10 per cent. We understand the closed-door investigation into this matter was due to report several months ago and has yet to do so. When will the House be advised of the outcome of this investigation?

**Hon. Mr. Grandmaitre:** As I told the the member for Brock last week, the investigation is ongoing, and a thorough study of the situation has to be made. Until the final report is in, I cannot divulge what the ministry will do or the other steps that will be taken.

**Mr. Gillies:** We can certainly understand the minister wanting to have a full inquiry into this matter, but it has been six months. As persons close to the Liberal Party have again reared their ugly heads with regard to this deal, which has been speculated about in the media, does it not concern the minister that if this matter is allowed to go on too long the appearance of a coverup will set in? Why will he not exercise his responsibility under the Municipal Act to call for an immediate inquiry into this matter?

**Hon. Mr. Grandmaitre:** Staff have looked into the possibility of calling an inquiry and have advised the town of Vaughan that no inquiry is necessary under section 180 of the Municipal Act. However, because some serious allegations were made, it necessitated a longer period to determine whether charges will be laid.

14:50

## JOBS IN AUTOMOTIVE INDUSTRY

**Mr. D. S. Cooke:** I have a question of the Minister of Industry, Trade and Technology. Can he report to the House on his ministry's assessment of the impact on Ontario of the layoff of 29,000 people at General Motors and the closure of 11 plants in the United States?

**Hon. Mr. O'Neil:** We have discussed this matter with the General Motors people, and they tell us there will be very little effect on Canadian and Ontario plants.

**Mr. D. S. Cooke:** That is the kind of answer I thought I would get from the minister. Is the minister aware that last Friday General Motors announced the layoff of nearly 500 people in the



city of Windsor at its GM trim plant, which is a direct result of the layoffs in the US? Is the minister still willing to buy the line of General Motors that the impact will be minimal?

When will this government start publicly pushing the federal government not only to save the safeguards in the current auto pact, but also to bring in content legislation, which was the major recommendation of the auto task force chaired by Bob White and the deputy minister?

**Hon. Mr. O'Neil:** We are being told those layoffs are not because of the layoffs in the US. Some of them have to do with some of the closures that were temporary close-outs in the US.

#### LA CHAÎNE DE LANGUE FRANÇAISE DE TVONTARIO

**M. Poirier:** J'aurais une question pour la ministre des Affaires civiques et culturelles. On entend dire que TVOntario s'en vient avec une chaîne de langue française. Il y a beaucoup de gens dans ma circonscription qui s'intéressent fortement à la mise sur place de la chaîne française. Je voudrais que la ministre me dise si elle a une date précise, à savoir à quel moment la chaîne française sera-t-elle en ondes à l'échelle de l'Ontario?

**Hon. Ms. Munro:** My colleague is quite correct. The awarding of the Canadian Radio-television and Telecommunications Commission licence to TVOntario was a landmark decision. I understand the commission was also very favourable in its comments on many of the programs coming forth from TVOntario. In essence, that allows us to deliver French-language programs right across Ontario. I just finished taping a message to the Franco-Ontarian population and expect those programs will be available in the new year.

**M. Poirier:** Récemment, j'étais en contact avec plusieurs artistes franco-ontariens et franco-ontariennes. Ils voudraient savoir quel pourcentage de la production de la nouvelle chaîne française de TVOntario, si c'est déjà prédéterminé, sera réservé à la production franco-ontarienne, et j'aimerais que la ministre nous entretienne de ce sujet-là.

**Hon. Ms. Munro:** The board and staff at TVOntario have been working for some time to ensure that the programming level available to the Ontario population reflects the needs and artistic quality of people in this province. TVOntario is cognizant of that input. I expect that over the course of the next two years we will see a significant increase in the number of

programs that are designed and developed and in which Franco-Ontarians star.

Initially, we will be starting to air programs relating to the children's programs currently in existence. I will be able to give the member an up-to-date status report as the year progresses. I thank him for the question.

#### EMISSION DISCHARGES

**Mr. Stevenson:** I have a question for the Minister of the Environment. There continue to be unacceptable emissions from the Thane aluminum smelter near Keswick. What does the minister intend to do about it?

**Hon. Mr. Bradley:** There is a long history to the Thane developments, which date back well into the previous administration.

**Mr. Grossman:** So the government is not going to do anything about it.

**Hon. Mr. Bradley:** That is not the case. The difference is that we are going to do something about it, as the Conservatives did nothing.

**Mr. Grossman:** Let us hear what you are going to do.

**Hon. Mr. Bradley:** Contrasting it with Sunday shopping, on January 9, 1986, the Leader of the Opposition said he was going to have Sunday shopping.

**Mr. Grossman:** Come on, put up. Let us do something. Your leader will not tell us what he believes in.

**Hon. Mr. Bradley:** Does the member deny that on January 9 he said he was in favour of Sunday shopping?

**Mr. Speaker:** Order.

**Hon. Mr. Bradley:** Sorry, Mr. Speaker.

**Mr. Speaker:** Interjections and responses to interjections are out of order. Are you going to answer the question?

**Hon. Mr. Bradley:** In fairness to the member, I will try to answer his question. There have been attempts through discussions with the company to bring it into line with what we consider to be acceptable environmental standards, the two issues being the actual air emissions and the accumulation of waste in the area. We have worked on a control order. We have had the investigations and enforcement branch in. It is at present investigating to determine whether there has recently been compliance with the control order.

**Mr. Stevenson:** The minister should know there has not been compliance. The Georgina council has lost confidence in the minister in



dealing with this issue and has hired legal counsel to deal with the matter. Why has the minister been so unwilling to co-operate with the council in trying to bring an end to this problem?

**Hon. Mr. Bradley:** I guess one can say that when there is disagreement between the two they say there is lack of co-operation, but I do not define it as that because we have a specific role to play, which is the enforcement of the control orders. That is why we bring in the investigations and enforcement branch, to undertake a detailed investigation to determine whether there is compliance. When there is not compliance with a control order, we are quite prepared to press the necessary charges. If the evidence accumulated is such that there is a case to be made in court, the member can be assured that we will be prosecuting.

#### AUTOMOBILE INSURANCE

**Mr. Swart:** I would like to ask a question of the Minister of Financial Institutions. I hope he knows the Ontario Road Safety Annual Report for 1985 indicated that in spite of compulsory insurance in this province, there were between 60,000 and 260,000 vehicles on the road without insurance. I wonder whether the minister can give this House a more accurate indication of the actual numbers who are not insured.

**Hon. Mr. Kwinter:** I do not have the actual number, but I will be happy to get it for the member.

**Mr. Swart:** The minister did not know there were any tavern owners operating without insurance, I suppose he cannot be expected to know this. Does the minister not know or care about the jeopardy in which this places other motorists on the road and the jeopardy in which it places those operating without insurance? Does he not realize that a public plan, such as those in the western provinces which ties insurance to licence plates, prevents driving without insurance? Does he not think it would be a good idea to have that kind of a plan here?

**Hon. Mr. Kwinter:** Some weeks ago I characterized the leader of the third party as riding a hobby-horse. Today I would like to characterize the member for Welland-Thorold as a one-trick pony. The only time he ever has a question it has to do with bringing in government car insurance. We are looking at the whole issue of insurance. We have experts looking at the whole problem. When they report to me, I will be happy to pass along their recommendations to the member.

Interjections.

**Mr. Speaker:** Order. The member for Carleton-Grenville would like to ask a question.

#### TRANSMISSION LINE

**Mr. Sterling:** I have a question for the Minister of Energy. On October 23, I asked the minister whether he would convene a new hearing to reconsider the Ontario Hydro route for the eastern line going from Lennox to Ottawa through the community of Bridlewood. Can he report to me on that?

**Hon. Mr. Kerrio:** The fact of the matter is that we in Ontario have had some real difficulty in transmitting our power that is generated from one part of the province to the other. In order to get that grid in place, we have gone through a very timely process.

Anyone who had any reason to appear before that committee was given the opportunity to do so. When the decision comes down, we are generally forced to live with it, unless there is very good reason why we should not. We have done that in every instance. In one instance, we had eight or nine years of undertaking to get a power line to take the power out of the Bruce generating station. It has cost us \$200 million in alternative fuel. The process is a good one in that everyone was heard, and that is generally the way we will go.

15:00

**Mr. Sterling:** Obviously, the minister has not read the some 1,600 letters from people in that community who have tried to explain to him that the process was not fair to them and that the alternate route taken by the joint board was a route that was introduced in February 1986 after the hearings had taken place in the community of Bridlewood. Therefore, that community, in effect, has not had an opportunity to meet on this proposal. They were told by Ontario Hydro that the route through their community was not a primary route but a secondary one.

**Mr. Speaker:** Question, please.

**Mr. Sterling:** Will the minister not give them a second chance to consider this particular route by reconvening a new hearing?

Ontario Hydro officials met with the community last week and they said—

**Mr. Speaker:** The question has been asked.

**Mr. Sterling:** —that they could reconvene a hearing. Will he call Hydro and ask it to reconvene a hearing?

**Hon. Mr. Kerrio:** There are transmission lines all over Ontario. If we were to reconvene

hearings on all of the directions we go with transmission lines—and the member knows this one already has a transmission line there and we are going to double up on that property—the member is talking then about an issue that would bring into question every transmission line in Ontario if the reason for having the hearing has to do with the issue he brings forward. That just would not be practical. We need to speed up the system, not slow it down.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question for the minister responsible for the swamp.

**Mr. Speaker:** Which minister is that?

**Mr. Martel:** The Minister of Labour. Pardon me, Mr. Speaker.

On November 21, 1985, the minister in this Legislature said there would be no more repeat orders; there would be prosecutions. The auditors' report, under the section entitled "Need for Improved Enforcement," states that they were "informed that the repeat orders are issued only if the observed contravention is identical in all respects to the one observed on a preceding visit."

Given this, can the minister tell me why nine repeat orders were issued to Giffels Associates in Rexdale between December 10, 1985, to February 1986, despite the ministry advising the auditor, "If the order is not complied with by the next visit, the inspector initiates a prosecution"?

**Hon. Mr. Wrye:** It probably will not come as a surprise to my honourable friend that I cannot give him an answer to that question today since it is a very specific question on a very specific series of orders that were written. I will take a look at the allegation my honourable friend raises and get get back to him.

However, I want to remind him that in the early days following the issuing of the orders policy, there were some clarifications needed in terms of making inspectors aware of the procedures to be followed. I believe, as we have to get out the kinks in the early going of any program, that has ended and, by and large, the new orders policy is working very effectively. The effectiveness of the new orders policy can be seen in the very sharply increased numbers of prosecution requests which will go to the legal branch for determination.

**Mr. Martel:** I think the minister is being economical with the truth, quite frankly, since I asked this question before.

"Economical with the truth" is something you might want to twist around, Mr. Speaker.

However, I asked this question before and I have written him about this question before, so it does not come as something new. However, let me put my supplementary.

We know the category for repeat orders no longer appears in the annual report of the Ministry of Labour; that is one way of getting rid of it. Another way is to use misleading words such as "advice," "suggestions" and "extensions of orders." Let me ask about two cases. In the case of Canada Hair Cloth Co. Ltd., a compliance date was extended by the supervisor over the order issued by the inspector for providing data sheets. Mattabi Mines Ltd. had an order issued on February 5, 1986, and reissued by the mining inspector on February 12, 1986, for the 2600 Alimak Climber.

Can the minister tell me whether charges have been laid there for repeat orders, even though he has tried to disguise them?

**Hon. Mr. Wrye:** First of all, I apologize to my honourable friend. I knew he was very anxious to ask a question because he wanted to ask a question on Thursday and I tried to anticipate him. However, I cannot always anticipate which of the 20 letters of the week my friend sends me are going to be the subject of follow-up questions.

Interjections.

**Hon. Mr. Wrye:** On one issue my honourable friend has raised, he seems to believe that because a supervisor reviews an order written by an inspector, because a supervisor supervises and acts as a supervisor might in any other situation, somehow that changes the matter. I contend, and my honourable friend may want to disagree, the era of repeat orders has ended. The orders policy is very clear, very precise and, by and large, with some exceptions, it is being followed very well.

#### PETITIONS

##### RESIDENTIAL RENT REGULATION LEGISLATION

**Mrs. Grier:** I have a petition addressed to the Lieutenant Governor and the Legislative Assembly of Ontario, signed by members and tenants of the Majestic Tower Association at 2 Royal York Road in my riding. It requests the government to keep its promise and limit rent increases to four per cent.

##### L'OUVERTURE DES MAGASINS LE DIMANCHE

**M. Morin:** Monsieur le Président, j'aimerais vous soumettre une pétition signée par au-delà de

800 paroissiens de la paroisse Saint-Joseph d'Orléans qui s'opposent fermement au magasinage non essentiel le dimanche.

Ils exigent de plus que la loi sur les jours fériés, dans le commerce de détail, soit observée, respectée et maintenue.

## INTRODUCTION OF BILLS

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Nixon moved first reading of Bill 168, An Act to amend the Legislative Assembly Act.

Motion agreed to.

### EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Nixon moved first reading of Bill 169, An Act to amend the Executive Council Act.

Motion agreed to.

**Hon. Mr. Nixon:** These two bills put before the Legislature the proposal for a 3.9 per cent increase in our payments and indemnities.

## ORDERS OF THE DAY

House in committee of the whole.

### RETAIL SALES TAX AMENDMENT ACT

Consideration of Bill 26, An Act to amend the Retail Sales Tax Act.

**Mr. Chairman:** Are there any comments, questions or amendments, and if so, to what section?

**Hon. Mr. Nixon:** I have amendments to section 6, section 12 and subsection 13(2), and maybe another one.

**Mr. Chairman:** And maybe what?

**Hon. Mr. Nixon:** Maybe another one I will discuss as the day proceeds.

**Mr. Chairman:** That was section 6, section 12 and subsection 13(2)?

**Mr. Ashe:** In all fairness, Mr. Chairman, we just this moment got in our hands the amendments the Treasurer (Mr. Nixon) referred to. I would appreciate it if you would give us a minute or two to assimilate them into the sections of the bill that are to be amended so we can give a reasonable response to what the government is prepared to do.

**Hon. Mr. Nixon:** In response to that, I am sure what the honourable member said is correct, but the amendments we prepared were sent last week. I regret very much they were not placed in his hands. We will find out why that was so.

**Mr. Chairman:** Anyway, these amendments and sections will be discussed. It is the other sections I am trying to get at. Otherwise, I will be carrying it up to section 6.

**Mr. Breough:** I am aware that at least two other amendments are being proposed. I think one of them has just been put in your hand. I believe the member for Mississauga South (Mrs. Marland) also has an amendment she intends to propose. Those are the other two I am aware of. The member for Mississauga East (Mr. Gregory) has one, and the member for Mississauga South has one.

**Mr. Chairman:** We seem to be a little at a loss to get everyone's attention. We do not want to have amendments coming down and be trying to stand down and reverse our fields. Does the member for Mississauga East have an amendment to some section?

**Mr. Gregory:** Yes. We have an amendment on the explanatory notes under subsection 10. I have given you notice of that amendment to the wording under the explanatory note, but we do not have the proper legalized wording for the section in the bill at this point; it is coming.

**Mr. Chairman:** That is subsection 10. I am a wee bit confused about the subsection 10. I have no doubt the member is correct, but I am having trouble because it would normally be referred to as a section in this amending bill.

**Mr. Gregory:** Mr. Chairman, you say you are confused; I am too. We just got this morning. If you look at the bill, under subsection 4(10) in the explanatory notes it says, "This subsection ends the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor-trailer or semi-trailer."

As I explained, the proper wording put together by legal counsel has not reached us yet. We will get it shortly.

**Mr. Chairman:** Does the member for Mississauga South have something?

**Mrs. Marland:** Yes, I do. Under subsection 7(2) of the act—

**Mr. Chairman:** No. Let us get the section.

**Mrs. Marland:** Okay. Then I guess it is section 6 on page 4 of the bill, amending subsection 7(2) of the act. I have clauses 7(2)(b) and 7(2)(c).

**Mr. Chairman:** Subsections 6(2) and 6(3)?

**Mrs. Marland:** Yes. Do you have a copy of the amendment? Can I give you a copy? I have enough. I know we sent a letter to the Clerk this morning.



**Mr. Chairman:** Apparently, we do have a copy.

For the future, that is subsection 6(2), if that is the section you wish to amend or deal with.

**Mrs. Marland:** Subsection 6(2) is how you want me to address it?

**Mr. Chairman:** That is what I understand you wish. I am not a mind-reader, but I am assuming it is the one that reads: "(2) Clauses 7(2)(b) and (c) of the said act are repealed." Is that the one you wish to discuss or amend?

**Mrs. Marland:** That is right.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Chairman:** Is the member for Mississauga East prepared to go into subsection 4(10) in depth now, or does he wish it stood down?

**Mr. Gregory:** I do not have the amendment as yet; it is coming. Can we stand it down for a short time?

**Mr. Chairman:** Shall we stand down or postpone section 4?

Section 4 stood down.

Section 5 agreed to.

On section 6:

**Mr. Chairman:** Mr. Nixon moves that subsection 6(1) of the bill be amended by striking out "those performers" in the seventh line and inserting in lieu thereof "the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement."

**Hon. Mr. Nixon:** This was referred to in second reading of the bill as an amendment that would be required unless it exempts sports players who participate in games where tickets are normally sold from paying the tax on the tickets. We would not want to do this for Harold Ballard or the people who run the Maples Leafs. It is generally accepted that the 10 per cent tax on those tickets be continued. I have not heard any objection from the House on that. There is some thought, however, that professionals in other types of entertainment be exempt.

15:20

**Mr. Ashe:** I have a question of the minister. Can the minister make reference specifically to the inquiry by the Ontario Golf Association on its annual promotion of the Canadian Open and how that would affect it, or would that have to be continued through an order in council? I understand that has not happened for years, but the precedent has carried on.

**Hon. Mr. Nixon:** The honourable member is talking about tickets that would be sold for the Canadian Open at Glen Abbey Golf Club and the thought that they have been exempt in the past. I am informed by our officials dealing with the sales tax that their position would not be affected. I can give the member my assurance that we will give whatever consideration along those lines is necessary.

Motion agreed to.

**Mr. Chairman:** Mr. Nixon moves that subsection 6(2) of the bill be amended by striking out "7(2)(b) and (c)" and inserting in lieu thereof "7(2)(c)."

In other words, his amendment removes clause (b), leaving only clause (c).

**Hon. Mr. Nixon:** It removes the reference to registered charities losing the exemption and therefore being taxable.

We will be available for any questions or clarification, but a number of members, in particular the member for Mississauga South, have been very concerned about the fact that sales tax at a level of 10 per cent be placed on tickets in theatres that often have exempt performances, such as Roy Thomson Hall, Hamilton Place, the Kitchener-Waterloo Centre in the Square, the Thunder Bay Community Auditorium and our own O'Keefe Centre.

I should just indicate that the amendment was previously put forward and to which these theatres have quite properly and definitively responded was that these theatres have most of their operations tax-exempt because they are Canadian theatre presentations. When they bring in, let us say, foreign performers, quite often American superstars, it is my thought as minister and the view of the tax officials in the Ministry of Revenue that the sales tax should be charged. We are not under any misapprehension that this is paid for by the American performers—because of course it is not—nor is it paid by the theatre. It is paid by the people who buy the tickets, collected by the theatre and remitted to the Ministry of Revenue.

It was our thought that we ought to be able to put the sales tax on some of these very large and costly performances—often the tickets are in the range of \$40 or even more—and have the revenues used for general purposes, among many others the support, financial and otherwise, of cultural opportunity in this province. In case somebody thinks I am going soft in the head, I hesitate to say I at no time suggested the revenues be earmarked.

Many of us here are very committed to this kind of culture; others appreciate other types of culture. In the amendment the House unanimously approved a moment ago, we made it very clear that if these performers, Canadian or American, are playing hockey, football, baseball, wrestling or doing any of these other cultural pursuits, we take 10 per cent off the top and nobody apologizes for that.

In most other jurisdictions, most notably Quebec, the 10 per cent is applied right to the top. Anybody who goes into the Place des Arts, even if it is the choral glee club of the official opposition of the National Assembly, will pay the 10 per cent. It is true the government of Quebec has a program very richly supporting the arts, as we do—in total ours is substantially more generous—but the 10 per cent sales tax in Quebec applies across the board.

During the period when the member for Muskoka (Mr. F. S. Miller) was Treasurer of Ontario, this tax applied across the board at the O'Keefe Centre or any other theatres of this type. Because of the judgement of the government of Canada, which I personally find a bit soft in the head in this respect, charitable status was granted to these theatres. That meant not only that they could receive donations that could be claimed for tax credits in federal income tax returns but also that they automatically, not by the action of this Legislature but by the action of the government of Canada, became exempt from paying sales tax on these entertainment tickets.

When I talk about this amendment being revenue-neutral, I simply mean it puts us back to where we were before the government of Canada became what I consider somewhat fast and loose with the delivery of its charitable status. I cannot think of the O'Keefe Centre or Roy Thomson Hall as charitable organizations. As a matter of fact, I am hoping to go down there on Tuesday night to hear Itzhak Perlman, along with everybody else who can possibly get a seat one way or another and who are going to be paying top dollar for those tickets.

In my view, that sales tax is not charged is an inequity I am not in a position to correct at this time, although I believe it should be corrected. The argument that comes from officials at Roy Thomson Hall, O'Keefe Centre and others is that the money they make in that instance is transferred to other worthy prospects. However, that is based on a couple of things: they are charging all the traffic will bear, and an additional 10 per cent will leave them with empty seats.

I can assure the House that will not be the case for Mr. Perlman. They could charge three times what they are charging and there would be no empty seats. Somewhere along the line, as they go from Itzhak Perlman to Harry Belafonte to Joe Blow from South Dakota, they are going to come to the point where not everybody is going to pay whatever it takes to get a seat for a world-class presentation.

Personally, I am a bit offended by the concept that these theatres are charging all the traffic will bear, to quote them, and that an additional 10 per cent means there will be empty seats. Also, the idea of trans-subsidization, a new phrase I find interesting, that somehow this money goes into some kind of cultural piggy bank that is then used to finance Canadian shows, which presumably nobody wants to attend, is a bit questionable.

I do not want to argue too much, because I have indicated my arguments are not good enough to convince supposedly reasonable people, such as the member for Mississauga South and the leader of the New Democratic Party, a well-known cultural addict. However, I remember saying one other time in this House that I can count and that there is no point in my putting an amendment forward that the House, which duly represents the people of the province, is not prepared to support. I support it, but evidently that is not going to be good enough in this instance.

**15:30**

To be fair, even the amendment that was originally presented does not clear up all the inequities. For example, for the Canadian National Exhibition and other major exhibitions we leave an exemption for certain presentations during the period of the exhibition, therefore, if Springsteen comes to the exhibition and fills the place with 35,000 people paying \$30 or \$40 a ticket or whatever, that will still be exempt from taxation. It is a matter that concerns me, and in the long run I do not feel it is fair.

Therefore, I cannot argue to the House that I had what one might call the best and total solution to a difficult problem that has plagued the Ministry of Revenue for a long time.

One thing I certainly do not want to do is to set myself up as an arbiter of what is cultural and what is not. What should be taxed and what should not be taxed certainly has to be a decision taken by the House and it has to be an understandable series of either regulations or amendments to the Retail Sales Tax Act that people understand and can live with and that does not leave in the hands of the minister any



particular decision that would have to be applied on a regular basis.

This does improve the situation somewhat, even with the amendment I have put forward. I say again I recognize the role played by the member for Mississauga South, who has been very effective in this regard, and by the leader of the New Democratic Party, who indicated his view before we came to the bill. I was hoping I might get sufficient support to carry it through. I am not a very graceful loser in this regard.

However, I will say further that the representatives of these theatres certainly did put forward their case at the committee in a very effective way, there is no doubt about that.

**Mr. Chairman:** Before the next member speaks, I have received two versions of this amendment, and the one I received second is really clearer. It reads:

"Mr. Nixon moves that subsection 6(2) of the bill be struck out and the following substituted therefor:

"(2) clause 7(2)(c) of the said act is repealed."

That is really clearer than the previous one. What is the wish of the committee?

**Mr. Rae:** Perhaps I can address a question to the Treasurer. In listening to his speech, I was not sure precisely what the conclusion was going to be, but—

**Hon. Mr. Nixon:** I put the amendment that we—

**Mr. Rae:** No; I am very pleased with that.

Has the Treasurer done any work in terms of why he would then continue to exclude from the exemption a labour organization or society or a benevolent or fraternal benefit society order? Why would we then be taxing the Kinsmen Club in the event of its activity, or indeed a trade union, if we are exempting an agricultural society? I fully appreciate the role of agricultural fairs, but if other organizations are fulfilling the same function, why would the minister not simply delete subsection 6(2) altogether?

**Mr. Chairman:** Before the Treasurer deals with that, can I get back to an answer to my question?

**Hon. Mr. Nixon:** Yes. The problem with the second one that was engrossed by legislative counsel, which is a correct amendment, is that two things are dealt with in that amendment, as I understand it. The first one has to do with the hockey players; we have already passed that. The second one deals with the exemption for charitable purposes. I insisted that they be presented separately because there are two—

**Mr. Chairman:** Excuse me. When I say two versions of the same amendment, I mean two versions of the amendment to subsection 6(2). I am not dealing with 6(1).

**Hon. Mr. Nixon:** I do not know where the other one came from. It is not the one I read.

**Mr. McCague:** Would one of the amendments be our amendment?

**Mr. Chairman:** No. One was handed in by the Treasurer and the other has his name on it.

**Hon. Mr. Nixon:** The one I read is the one I think we should be dealing with, but I would certainly follow your advice in this regard.

**Mr. Chairman:** It is not quite as clear as the other, but I am not hearing any yelling or screaming from anybody; so let us take the first one the Treasurer has put in.

**Hon. Mr. Nixon:** If I can respond to the question put by the honourable gentleman, it is our experience that the special exemption the leader of the New Democratic Party referred to has not been used in any significant way. There is, however, some thought that if exemptions are removed in certain theatres, a promoter who has a hot ticket from the United States, or at least a hot performer from the United States, will look for an exemption, just as certain universities which are exempt find that performers will go to those halls for exemption.

The indication is that we are not dislocating what is a practice now, but if some of the exemptions are removed the promoters will tend to go where the exemptions remain and simply make a deal with the people owning the hall. There is not a thing wrong with it except that it is a way around what we consider to be the intent expressed by the House that those tickets be taxable.

**Mrs. Marland:** Would the Chairman mind clarifying for me which amendment we are now dealing with? Which wording is it?

**Mr. Chairman:** We are dealing with subsection 6(2), the way the Treasurer put it in.

**Mrs. Marland:** Does the amendment cover the concerns and leave in clause 6(2)(b), which has "a registered charity," as part of the act? Is that what it is doing?

**Mr. Chairman:** This is why I suggested that we change over to the other version of the amendment, which is much clearer.

**Hon. Mr. Nixon:** Perhaps I can be of further assistance. It is obvious that we are not going to clarify this. The written amendment that came to the member, which was not moved by me, has a



reference to those performers in the seventh line of—

**Mr. Chairman:** No, sorry. That is subsection 6(1).

**Hon. Mr. Nixon:** That is right, but where did it come from?

**Mr. Chairman:** I believe the Clerk of the House just got it from one of your assistants. We asked for some copies.

**Hon. Mr. Nixon:** I have much too much help. It may assist you if I withdraw the amendment and move that subsection 6(2) be deleted.

**Mr. Chairman:** Mr. Nixon moves that subsection 6(2) of this bill be struck out.

Can we have this in writing at the table?

**Mr. McFadden:** Can I ask one simple question? Perhaps the minister can shed a little light on this. In the recollection of the minister, has subsection 7(2) of the Retail Sales Tax Amendment Act been amended since the Revised Statutes of Ontario came out? Are we still dealing with the version of the act that appears in the RSO? I do not have the consolidated version of the act.

**Hon. Mr. Nixon:** I am informed that it has not.

**Mr. Breaugh:** We will support the proposed amendment from the Treasurer. There seems to be a bit of confusion. One of the problems that emanates from this is that it sometimes gets a little tricky in terms of exactly how the amendment is proposed. It seems to me that the last version of the Treasurer's amendment is the most straightforward and probably the simplest and best way to proceed. I do not know that he has resolved everybody's problems in this regard. It will be very difficult to do that unless we do it in committee outside of here, where we can have the affected groups with us as we go through it.

It seems to me that the Treasurer has accepted in practice the arguments of the larger groups affected. In other words, the main problems have been addressed by the Treasurer in this amendment. It must be right, because I have never felt so fiscally irresponsible in my life. I am following his leadership this afternoon and I just thought I would point that out.

15:40

**Mrs. Marland:** I think I can help the member for Oshawa (Mr. Breaugh) to feel less uncomfortable in terms of fiscal responsibility. The intent of the amendment that has now been proposed by the Treasurer, for which I thank him, is to leave exempt those theatres that are

currently categorized as having charitable purpose exemptions. Is that correct?

**Hon. Mr. Nixon:** It is.

**Mrs. Marland:** Then I thank the Treasurer on behalf of those theatres, the Roy Thomson Hall, the Massey Hall, the O'Keefe Centre, the Centre in the Square in Kitchener, Hamilton Place, the Thunder Bay Community Auditorium and the National Arts Centre in Ottawa.

In saying how happy I am on their behalf that they will retain their exemption from the 10 per cent sales tax, I also want to commend the Treasurer for bringing in this amendment to his bill. In so doing, he has recognized that we are dealing not just with the performers in these theatres—and this is the part the member for Oshawa will appreciate—if this amendment to the act had not gone through, it would have been very grave for the nonprofit theatres now enjoying this exemption.

If they are not able to make a profit on some of their shows then the alternative will be that the theatres have many dark days and weeks, which in turn affects a lot of people who are unionized and who are working, such as stagehands, ushers, the theatres' restaurant people, related industries, bars and so forth. There are a lot of jobs related to a theatre being open and related to people other than the people who actually perform on stage.

I will not take up any more time since no debate is necessary. I appreciate the support the government has given in recognizing the need for the continued exemption of these theatres.

**Hon. Mr. Nixon:** Before the member for York South (Mr. Rae) proceeds, perhaps I should explain to him that by not proceeding with the original amendment and going with the omission of that whole subsection, labour organizations and fraternal clubs are also removed from the ambit of this change.

**Mr. Rae:** I was aware of that and I was about to add my compliments to the Treasurer. This is an example of how minority government can be made to operate, even though Treasurers do not like amendments to their legislation. We can show in a responsible way that even during the discussion on budget bills there can be amendments, not of an enormous kind and not in a way to be exercised irresponsibly, where it is determined that a change is in the public interest after consideration in committee. We should be proud of the fact that we have been able to make that change.

That is all I want to say. Those who are affected who work in the industry, which is a

very labour-intensive industry, appreciate the fact that whatever insecurity may have been caused by the original announcement has now been removed. It is a good step to take at a time when that security will be there. I want to thank the Treasurer and wish him well for the rest of the discussion.

**Mrs. Marland:** There was one statement the Treasurer made that I thought we should not leave on the table. When he talked about these theatres having cultural events such as wrestling, I think the record should show that none of the nonprofit theatres of which we are talking ever have that kind of entertainment. As a matter of fact, the American superstars who have been a concern to the Treasurer in regard to the amount of money that is involved in their performances are not performing generally at these theatres; they are mostly at Maple Leaf Gardens and at the Canadian National Exhibition, which is rather interesting, because the CNE was going to continue to be exempt. Even with this act, the CNE qualifies as an agricultural fair.

I point out that with some encouragement from their auditors the theatre owners themselves, once they were aware of what the impact was going to be—and in this province it was going to be \$1.6 million—organized and very clearly did a very professional job in bringing the facts to me as the culture critic for the Progressive Conservative Party. In hiring the firm of Woods Gordon, they made an investment to bring forward the truth about what the impact would be. There would have been a very grave impact on the people of the province had the bill gone through as originally presented.

I commend the theatres, the Ontario Arts Council and all the performing groups that supported the rally to bring out the facts of whether an item that was revenue neutral was in fact revenue neutral when it was discovered that it was going to be far from that for those people involved. The people who enjoy those performances in this province will now recognize that the work of those groups has been in their interest and on their behalf.

**Mr. Breagh:** I have one final note. I think the Treasurer had a point. I do not believe he was wrong in principle but in practice. The difficulty will be in the future. If he wants to win his point in principle and not see the spillover effect that he has seen, for example, around this proposal, he will have to identify in a much clearer way his support for cultural and artistic groups. He is going to have to put them on a basis where they are not hand-to-mouth operations. They need this

kind of small edge, in the form of a tax exemption, to stay alive. Let that be the benchmark for the Treasurer.

If at some point the Treasurer wants to win the theoretical argument and carry it through into the realm of practice, he will have to make sure these groups get themselves on a solid financial footing. This may mean the government provides its funding in a more direct way.

To put it bluntly, he will never get, especially in a minority situation, the support of the Legislature for this kind of approach. It may have a theoretical, sound basis. I do not believe any of us can argue in a logical way why someone who attends a sports event must pay the sales tax on the ticket, but if he chooses to participate in some other kind of cultural activity, in another locale, he is exempt from it. There is really not much logic to it.

I am afraid the Treasurer is caught up in the practicalities of the real world here. There are a number of groups trying to function in our society, most notably in the centres with cultural activities that have been mentioned, and they are in very precarious financial shape, so that any movement on the part of the Treasurer which looks on the surface not to be substantial will have ramifications for them. It may well mean they are out of business.

As other members have said, a number of people are trying to establish a Canadian art form in a number of fields and they need all the help they can get. The reason we are happy the Treasurer saw fit to move his amendment this afternoon is that it does at least recognize the reality that they are in the kind of financial position where they cannot do without it.

The Treasurer has to put it on record that if he wants to move at some time in his next budget to provide a sales tax process which applies to everyone equally, he will have first to make some moves to see that our arts and cultural communities get that substantial financial support.

**The Chairman:** Are there any other comments or questions with regard to this motion of the Treasurer? I will read it the way it is. Mr. Nixon has moved that subsection 6(2) of this bill be struck out.

Motion agreed to.

15:50

**Mr. Chairman:** Mrs. Marland, I assume you want to withdraw your motion to subsection 6(2). Is that correct?

**Mrs. Marland:** Yes, that is correct.



**Mr. Chairman:** Thank you.

Section 6, as amended, agreed to.

Sections 7 to 11, inclusive, agreed to.

On section 12:

**Mr. Chairman:** Mr. Nixon moves that clause 45(3)(i) of the act as set out in subsection 12(2) of the bill be amended by inserting after "maximum" in the 42nd line and in the 44th line "in the case of a vehicle that is not a bus, as defined by the minister."

**Hon. Mr. Nixon:** During the committee hearings, representatives of the industry—which is moving actively to provide alternative fuels, other than gasoline and diesel fuel, to cars and particularly to buses—felt the provision of the bill would have an extremely detrimental effect on their fledgling industry. I think they convinced most people in the committee, certainly myself, that we should continue the full sales tax exemption, that is not just the cost of the retrofitting for propane or natural gas. The provision of this amendment does that.

**Mr. Chairman:** Are there any questions or comments? The member for Durham West.

**Mr. Ashe:** Thank you, Mr. Chairman; you got it right, congratulations.

I want to point out again that it is nice that the Treasurer was listening—the Minister of Revenue, Treasurer, whatever hat he had on at that time—when he was in front of the committee. The industry—as he indicated quite rightly, a rather fledgling industry, particularly in the case of the buses and so on—needs that kind of assistance for an additional period. I suggest overall, when the Treasurer thinks of the economic impact of a downturn in that sector of the economy, which is apparently growing in Ontario, it would probably mean a negative impact on his overall Treasury income if his original section in that regard had gone forward.

It is one of those times of weighing the losses and the overall gains in the total economic picture of employment, income tax, sales tax revenues from purchases of those employees and so on. That is a realistic recognition that this industry still needs some assistance if it is going to grow at all as a future alternative program in this province and in this country.

**Mr. Breagh:** We will support the amendment proposed by the Treasurer.

**Hon. Mr. Nixon:** Does the member have anything nice to say about the sensitive, thoughtful Treasurer?

**Mr. Breagh:** I have to say that the Treasurer was thoughtful and sensitive and fiscally irresponsible.

Motion agreed to.

Section 12, as amended, agreed to.

On section 13:

**The Deputy Chairman:** Mr. Nixon moves that subsections 13(1) and (2) of the bill be struck out and the following substituted therefor:

"(1) This act, except subsections 4(10) and 12(3), comes into force on the 30th day following the day it receives royal assent.

"(2) Subsection 12(3) comes into force on the day following the day this act receives royal assent."

"(2a) subsection 4(10) comes into force on the first day of January, 1987."

**Hon. Mr. Nixon:** The only operative part is subsection (2a), which is necessary because, as some of my predecessors in this office have pointed out, this bill has been hanging around in Orders and Notices a bit longer than I would have liked and a bit longer than was originally planned. With minority government, the idea is that these matters not go into effect on the night of the budget or whatever, but that they go into effect at a certain period of time after they are enacted. In this instance, with the best of intentions, time has run out on me and we do want the subsection referred to to go into effect on January 1. That is less than 30 days away, thank goodness.

**Mr. Gregory:** The only thing that bothers me in dealing with this at present is that we have to go back and deal with section 4. It is on this very thing. To accept this at this time, without further debate on section 4, takes things a little out of context.

**Hon. Mr. Nixon:** Would it be suitable if we stood this down until the previous amendment, for which the member has given notice, is dealt with? We could also deal with them both. With your permission, Mr. Chairman, perhaps the amendment should be stood down so that the member for Mississauga East can present his amendment to subsection 4(10).

**The Deputy Chairman:** Is it agreed?

Agreed to.

On section 4:

**The Deputy Chairman:** Mr. Gregory has an amendment to section 4 and he moves that section 2 of the bill be renumbered as subsection 2(2) and that the bill be amended by adding thereto the following subsection:

"2(1) Section 2 of the said act as amended by the statutes of Ontario, 1981, chapter 38, section 1; 1982, chapter 36, section 3; 1983, chapter 27,



section 4; and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

"(1a) Notwithstanding this subsection (1), every purchaser of highway truck tractors having a gross vehicle mass rating as defined by the minister of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more shall pay to Her Majesty, in the right of Ontario, a tax in respect of the consumption or use thereof computed at the rate of

"(a) three per cent of the fair value where delivery of the truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser after the 31st day of December 1986, but before the first day of January 1988, or five per cent of the fair value where delivery of the truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser after the 31st day of December 1987, but before the first day of January 1989, but this subsection does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the minister to be excluded from this subsection or used in any manner, process, industry, enterprise or by any person or class of person prescribed by the minister as being excluded from this subsection."

16:00

**The Deputy Chairman:** This deals with section 2 and not section 4. Shall section 4 carry?

**Mr. Gregory:** No. We are talking about section 4, but the amendment changes sections, and it is section 2 in the act, I believe.

Once again, I want to rise on this particular aspect of the bill and join in the praise that was paid to the Treasurer for the previous two amendments offered by him in his generosity. I certainly hope that spirit is going to continue when we talk about another group of people who sincerely need help from a very generous Ontario government. We know it is generous because we heard the speech about Minaki Lodge today, and when we can give away tokens like that we have a very generous Treasurer.

**Hon. Mr. Nixon:** The money was given away long before we came on the scene.

**Mr. Gregory:** How am I doing?

In all seriousness, there has been a great deal of dialogue on this, for one very simple reason.

That exemption was given to the trucking industry some time ago because it found itself in dire circumstances. The exemption from sales tax has been a very tremendous shot in the arm to that industry and has enabled it to begin a very good recovery.

What we are doing by suddenly removing—  
Interjection.

**Mr. Gregory:** Are you all right?

**Hon. Mr. Nixon:** She is expressing an editorial opinion.

**Mr. Breagha:** That sneeze is just harassment. You should be used to it.

**Mr. Gregory:** I thought I had shocked you or something.

When we suddenly remove this exemption, a couple of things happen. First, the cost of equipment suddenly becomes seven per cent more. To a troubled industry that is just getting over its massive problems and is starting to recover, this represents a fairly stiff burden.

The other consequence is and has been to cause people who are thinking of buying equipment to order it early with no plans to order new equipment during 1987. We have examples of the results of this. Mack Canada of Oakville is a good one. As a result of this incoming legislation, Mack has increased its production from 14 trucks a day to 17 trucks a day, but beginning on January 1, its production will fall to 10 trucks a day. That is a reduction of five sevenths of its production from what it was before this rush started, not to mention that the labour force was increased to increase from 14 trucks a day to 17 trucks a day and will then go down because of the reduction to 10 trucks a day. There is actually a loss of staff because of the difference between 10 trucks per day and 17 trucks per day.

This is a substantial loss in jobs. If we were talking only about the major manufacturers, and Mack is certainly one of them, that would be one thing; it is estimated that the loss there will be about 300 jobs as of January 1. However, we must take into consideration as well the many subcontractors, parts manufacturers, parts dealers, sales personnel, all of these things, to come up with an estimated loss of probably about 1,200 jobs as a result of this move.

I recognize that the Treasurer says we need the money, and we are probably talking about \$65 million and—

**Hon. Mr. Nixon:** We are talking about \$68 million.

**Mr. Gregory:** It is \$68 million, give or take \$3 million.

**Mr. Haggerty:** What is \$3 million?

**Mr. Gregory:** What is \$3 million? We are talking about \$68 million.

The Treasurer says he would be losing \$68 million if he did not do this, but I point out to him—and I think I have the figure here somewhere, but the Treasurer no doubt has it at the tips of his fingers—that the additional cost he is absorbing by increasing the exemption on fast foods from \$1 to \$2 is \$35 million. Therefore, he is giving away about half, while taking the \$68 million from the trucking industry.

I do not think the additional exemption he is giving the fast-food industry will create any more jobs; however, the elimination of the exemption on the trucking industry is going to cause a job loss.

I just want to insert at this point, particularly when there was about \$100 million more in additional unexpected revenues into the province this year, the question of whether we are picking the right target when one considers the vast importance of the trucking industry to the economy of the province. I am not suggesting for one minute—

**Mr. Haggerty:** Yes; however, what the industry actually said was that it would not mind phasing it in over a three-year period.

**Mr. Gregory:** I was just getting to that. I want to thank the member for Erie (Mr. Haggerty). He must have anticipated my remarks and he is quite correct. I know he will support my amendment because he said that.

The trucking industry, as the member for Erie has said, has not even suggested for one minute a continuation of this exemption. It recognizes that it has been having a break for a few years and it recognizes now that it has to get into the ball game.

If it costs \$68 million to overlook this, then I suggest we phase it in, as my amendment suggests; we eliminate the exemption on a phase-in basis. In other words, rather than paying seven per cent in 1987, they pay three per cent. Then in 1988, they pay five per cent, and in 1989 they pay the full seven per cent.

This would mean the Treasurer would be losing only four sevenths of the \$68 million, about \$40 million in the first year. I think that is just about \$5 million more than he will lose on the increases to the exemption on fast foods.

We are playing rather foolish politics with this. We are taking from one pocket and putting it into another pocket. The net gain to the Treasury

is about \$5 million, if these figures are totally accurate.

However, for that \$5 million he is getting, which is really all he is getting, he is creating a severe hardship in the trucking industry and in the labour market of these truck manufacturers.

I ask the Treasurer to continue on in his spirit of generosity, which he has exhibited so well today, and consider this amendment very seriously, having regard not simply that I, the member for Mississauga East, am asking him to do so, but because of the pleas of those from the trucking industry who have tried to impress on him the additional costs involved because of the move he is making here.

**Mr. Breaugh:** I have followed with some interest the argument about whether this exemption should be withdrawn. As most members experienced, everybody who owns a trucking company in my area wrote me a letter and told me how sad they were that this exemption was being taken away.

Frankly, I was sorely tempted to be supportive of the amendment that would do something to help them in their situation. Then I spent a little bit of time talking to some people who actually work in the trucking industry—not those who own it, but those who work in it.

They gave me some rather good arguments for why the exemption should not be continued. First, the theory was that by granting a sales tax exemption one would increase the employment opportunities, and for some, for a brief period, it did. Building big trucks, like building every other form of automotive device, is something that is cyclical. Companies build trucks when they can sell them; if they cannot sell them, they do not build them. They do not want people working in their factories when there is no market for trucks. The irony was that the government of Ontario truthfully subsidized that sector of the economy and did not get anything in return.

#### 16:10

In other words, if our experience had been that the province decided to subsidize the trucking industry through its budgetary measure—that is what it did, in fact—it should have at least had the presence of mind to insist there be some no-layoff proviso or that there be some reasonable expectation of employment. In my mind, if one is going to be subsidized by the government, the government ought to get something in return. Most of the time the government is looking for employment opportunities.

When the previous Treasurer decided there should be a sales tax exemption for these



manufacturers, he should have had the presence of mind to say, "The way to get the exemption is to guarantee your work force. In other words, if you employ 200 or 300 people in a shop that makes big trucks and the rest of the people of Ontario are subsidizing your nonpayment of taxes here, you simply guarantee employment for 200 people for a year, two years or for however long the sales tax exemption applies."

The previous Treasurer did not do that. The end result for many people who worked in the trucking industry was that they did not get what the government sought. The government sought an increase in employment opportunities. The government got that for only as long as the manufacturer thought he needed it. When the manufacturer decided he did not need the workers any longer, government subsidy or not, the workers were out the door.

I have read some interesting arguments that there has been a slight upsurge in the manufacturing of these heavy vehicles in the latter part of this year to take advantage of what buyers see as a bit of a sales advantage here. That is fair. I suggest that people spend \$80,000 to buy a big rig when they need to. The sales tax exemption is a factor but not the major factor.

I do not know of any trucker who goes to buy a new rig at those kinds of prices for the fun of it. He buys it out of economic need. When the old truck cannot run on the road or when it takes more to repair it than it costs to buy a new rig, that is when a trucker buys one. He does not care whether or not there is a tax exemption on it. That is not the critical factor.

This is a strange afternoon because we have the member for Mississauga East arguing for socialism. I do not know how he came to that position but he is. We have him arguing for a subsidy of large corporations. I do not know how that came about either.

Here I am saying: "Stop this corporate socialism. Get back to your roots. Get back to free enterprise." I have had the opportunity to meet many of the people who operate in the trucking industry in my own region, and I have never met a more rabid group of free enterprisers in my life. Some would go so far as not to be even polite in their arguments. Some are very direct, straightforward, free enterprise people. If one were to suggest to them for a moment that they take a handout from the government, they would be irate. If one were to suggest for a moment that they were corporate socialists, they would be even more irate.

To be fair, we have to say that as much as we would like to, as much as the temptation is there to provide some continuation of the sales tax exemption in this category, we have to call a halt to it. If some kind of agreement were put before the Legislature that said, "In return for continuation of the sales tax exemption, we will guarantee the jobs in that industry," that would throw a whole different light on it. That then is not a giveaway but a deal or a negotiated circumstance.

I do not see that in front of me now. I do not see any requirement that would make any of those manufacturers retain their employees during the lifetime of the extension of this exemption. That is not before us. Although I have not had a chance to do this, I wonder what would happen if one were to go to the industry and say: "The contract or the agreement is that you guarantee the jobs in that sector. Do not give us good intentions or anything like that because you are a business person. You would not accept that from anybody who bought your product."

If a guy went into a shop and said, "I would like a \$100,000-Mack truck, and I promise I will do my best to pay for it; but if I cannot pay for it, you have my good intentions, take them to the bank," the guy selling the truck would say: "That is not good enough. If you buy a product from me, you sign a contract that says you will pay me this amount over this period." That is a hard-headed business point of view, but we all accept it. The hard-headed business point of view is the stance I am going to take this afternoon.

If the government wants to draw up a contract which says, "We will continue the exemption, and as part of that contract we will guarantee the jobs of people who work in building the trucks, in driving the trucks and in keeping that whole industry on the road," I am prepared to enter into those negotiations. However, the proposal before us this afternoon is a giveaway. It continues the sales tax exemption and gives away taxpayers' money. There is nothing on the table for the taxpayers. There is nothing on the table for the workers in the industry.

I have had a chance to talk to some truckers about this and they are very forthright in their language. If the government provides them with some job security attached to this, if that were the agreement we were talking about, they would look at that in a different light.

There is not one of them out there who does not believe that in January, February and March of next year his job will depend on whether his employer needs him. They understand, because



it has happened to them regularly during their working lives, that the moment an employer decides on his own that he does not need an employee any more, he is out the door. That is life in the trucking industry. It is a tough one.

They understand that the expectations placed on people who drive the big trucks are unreal. It is a hard, tough life. There is no namby-pamby socialism around this stuff. They produce or they are gone. If they have a problem on the job, they are gone. If they do not produce the vehicle the way the manufacturer wants it, they are gone. If there are no sales, they are gone. Everybody who works in every segment of the auto industry knows it is cyclical in nature. They will build more trucks and hire more people this fall. When they decide they do not need them any more, the employees will be gone; they will be out of work for a while. People working in that sector of our economy understand that clear, hard argument only too well.

If the government wants it, it should put a package on the table before the Legislature which says: "The rest of the nine million people in Ontario, who will not benefit from this exemption, will get something from it. They will get job guarantees in that sector."

I can accept that argument, because it would mean that somebody employed in that field in January and February would probably give us the money back in income tax or sales tax on other items. They would have more disposable income. That seems to be a sensible, bargained solution. The government should not put something in front of me that says, "We will give the money away and get nothing in return." I, for one, find that a silly idea. It is one that has never worked. It never will work, because it does not make any sense.

**Mr. Gregory:** I want to comment quickly on some of my comments of my new free enterpriser friend, the member for Oshawa. He is quite right that this amendment might seem to him to be of a socialistic nature. It shows that I have a flexible mind.

However, the member for Oshawa has entirely missed my point. He is stating, probably quite accurately, that when tax concessions or tax exemptions are first given, perhaps some guarantees of jobs should be there. I cannot take issue with that at this point. I am not talking about a new exemption. I am talking about a method of getting rid of the old one.

The present proposal by the Treasurer is to eliminate the exemption just like that. I think this is going to cause a great deal of hardship in the

business, a great deal of unemployment and a great deal more loss to the Treasurer than he is expecting. In my last calculations, I had it narrowed down that he will be in for \$5 million, as an end result, with what he is going to gain from tax here and what he is going to lose on the fast food industry.

We have not taken into consideration the unemployment that is going to come as a result of this, which has already been demonstrated with 300 unemployed in the truck manufacturing business alone, plus the subtrades, sales help and whatever, the loss of jobs there and the resultant loss of retail sales tax because these jobs were lost.

#### 16:20

I do not know whether we can even put a figure on what the loss to the Treasurer will be. I think he is actually giving away more than he is getting. He may see giving every person who buys a hamburger another dollar exemption as a very popular thing to do, but it will not produce any jobs. Yet he is going to hit every trucker who buys an \$80,000 rig or a \$100,000 rig and has to pay another \$7,000 in taxes. It has been demonstrated that will create a loss of jobs.

We have our priorities wrong. I agree with what the member for Oshawa said. I suppose I had better re-examine my position. I have no fault to find with the idea that if we create an exemption for somebody, we must have job guarantees.

Has the Treasurer asked for job guarantees from the fast food industry because he is giving an additional dollar exemption? I do not think so. My friend the member for Oshawa missed that point. Perhaps every clerk in a McDonald's store should have a guarantee of a job because there is an additional dollar exemption. Fair is fair. If it works for one, it works for the other.

With the greatest respect, I appeal to the Treasurer to think about this a little more rationally than he has done. He will cause a great deal more trouble if he does not adopt my amendment but goes ahead blindly and makes this move. I am not speaking from the standpoint of giving away money. I do not believe in giveaways either. I would not have given away Minaki Lodge or the Urban Transportation Development Corp.

**Mr. Callahan:** Would you have bought it?

**Mr. Gregory:** No, and I did not, as a matter of fact.

I do not believe in giveaways, but I do believe money has to be spent or sacrificed in the event that jobs and businesses can be preserved. The

trucking industry faces a rather bleak future, particularly with the deregulation bill the Treasurer has coming in. There will be an opening up of the industry and great competition from American truckers. The US industry is virtually controlled by three trucking companies because of this. Now we are adding to their problems.

The Treasurer is doing this a little prematurely. I ask him to reconsider and phase in the loss of this exemption over three years so that all businessmen have a chance to adjust to it.

**Mr. McFadden:** I had an opportunity in the standing committee on finance and economic affairs to hear the submissions that were brought to us by the various organizations affected. We heard from the Ontario Trucking Association, the Motor Vehicle Manufacturers' Association, the Canadian Truck Trailer Manufacturers' Association, and we received a submission in writing from the International Association of Machinists and Aerospace Workers.

Each one of those organizations and others that appeared before our committee or sent in submissions in relation to this proposal brought forward by the Treasurer suggested that we allow for a phase-in period. A really strong sentiment was expressed that several hundred jobs would be lost if the current Retail Sales Tax Amendment Act were to go ahead. It was even suggested that the job loss could be in excess of 1,000.

One of the things that struck me when listening to the arguments back and forth between the Treasurer and the industry representatives who came was the history of the exemption, the reason for it and why this phase-in period is desirable. Initially, the exemption was brought in by the member for Muskoka when he was Treasurer to assist the truck manufacturers and the trucking industry, both of which were going through some very difficult days in the early 1970s.

Based on the statistics I have seen, it would appear the tax exemption had its effect. It got the truck manufacturers back into production and undoubtedly it had the effect of putting back to work quite a few hundred workers. It could have been more than 1,000 workers. Now that we find the exemption ending, it is the unanimous view of the people in the industry, from the manufacturers to the truckers to the unions involved, that this will lead to a job loss. I suppose we can discuss how many jobs could be lost. It may be a few hundred or it could be 1,000 or 1,500; who knows? I am disturbed that this argument about job loss does not seem to have generated much

interest one way or the other in so far as the Treasurer was concerned at the committee.

It strikes me that we are very fortunate in Ontario today. We have a low rate of unemployment, lower than any other province in Canada. In southwestern Ontario, where the automotive and truck industry is located, it is even lower than in other parts of Ontario, northwestern or northeastern Ontario. I think we ought not to assume that this is the natural ordering of things, that we can never have another recession or that the current state of low unemployment is a given that we can expect to have for years and years to come. Therefore, it worries me that when an industry comes forward and makes a strong submission to government that a proposal in the budget could cost hundreds of jobs, this is simply overlooked. It disturbs me that the very reasonable proposal put forward by the trucking association for a phase-in as set out in this amendment has not been adopted by the government.

The trucking association, the truck manufacturers and the unions have not been unreasonable in their approach. They have not stated to government: "We do not want any tax. Forget it." What they did was come before the committee, admit that perhaps as an industry they were not entitled in perpetuity to pay no tax, but they suggested the best route was to phase it in over a period of time so that the industry itself could adjust.

I do not know; perhaps the Treasurer will agree that a phase-in is a good thing. Perhaps by the end of this debate he may agree to that, but it does seem to me a bit strange that the government would not be listening to the industry or the unions and would not be adopting the kind of very reasonable proposal that has been put forward, not only in this amendment but also by the various people in the trucking industry concerned.

One of the dangers we are now facing is that it has been so long getting to this debate that perhaps a lot of the jobs have already been lost in the sense that a lot of truckers have put in their orders for heavy trucks, assuming this tax will come into effect around the beginning of the year. As a result of that, as the truck manufacturers have been worried about, the orders will dry up in the early part of 1987, since everybody has been pushing to try to get through the deadline before any tax was attracted by their purchases.

I hope the government will look favourably on this amendment and on the very reasoned and reasonable submissions our committee received



from the trucking industry, the manufacturers, the truckers themselves and the workers and go along with this amendment. It would be ill advised for us in this Legislature not to do this because if we do not, we are playing a bit fast and loose with the jobs of several hundred workers who are going to be prejudicially affected by the proposed amendment to the act if it goes in as proposed by the Treasurer.

16:30

**Hon. Mr. Nixon:** I have listened very carefully to the remarks made by the honourable members. I have noted the amendment and certainly given it consideration.

The people who appeared at the committee made good a presentation. I thought perhaps some of them overstated the case a bit. One of them indicated there would be a loss of 2,000 jobs. Frankly, I do not believe that is the case.

Mention has already been made of the fact that employment in the trucking industry is erratic. I asked for some information about the cyclical nature of the employment, and the figures available to me are really not cyclical, they are erratic. I believe it is true to say that when the trucks are selling the people are making them.

I drive past a Mack truck plant right across from the Ford plant in Oakville every day and I have always been interested to see it expand from a very small building. I have watched the strikes going on there on occasion, unfortunately. But it has certainly been able to maintain its fiscal position and to continue to expand and to maintain its reputation. Other truck businesses have done the same, and the business has been good. I am informed, for example, that industry profits are at an estimated 15-year high and that the recovery following the difficulties in 1982 has been substantial.

I remember when the exemption was brought forward. It certainly was in response to economic difficulties that were experienced in many parts of the economy, and the Treasurer of the day had good and sufficient reason for the exemption. However, of the provinces that have a sales tax, Ontario was the only province to provide the exemption for trucks. Consequently, inter-provincial carriers still had to pay tax to the other provinces on the basis of the percentage of distance travelled in each province.

The honourable members will know that railroad rolling stock was not exempt. We sometimes tend to think of railroads as being some other government emanation that we are not concerned with, but it did give an advantage, which may or may not have been intended, to the

trucking industry in that buyers of railroad rolling stock still had to pay the full seven per cent.

The sales of heavy trucks increased both in 1985 and in the first half of 1986, and we expect real growth in the economy that is so pronounced as at least to alleviate the slump the honourable members have been predicting will begin, if this amendment is carried, on January 1. There is some indication of additional sales as we get up to the end of the period of tax exemption, but I do not believe the changes will be much more than the other erratic changes that have been experienced in the past three years in the manufacturing industry. We believe the buoyant economy will soon take up that slack.

I believe, along with the member for Oshawa, that the trucking companies buy trucks when they need them. They are marvellous pieces of machinery and they have come to a very high state of perfection, both for the effectiveness of the job they do pulling heavy loads and for doing so in a safe and reasonably comfortable way. The competition seems to be alive and well in that industry—very much so indeed.

I appreciate the support for the amendment indicated by the spokesman for the New Democratic Party. I notice the rather effective and intricate way in which he was able to substantiate that position and I am very sensitive to that.

The fact that the amendment calls not for the rejection of the government's position but for phasing it in is interesting. We feel we are not in a position to forego the revenue, which is estimated in the first full year to be about \$68 million.

**Mr. Davis:** What are you going to do with all the money?

**Hon. Mr. Nixon:** I am thinking of rehiring the hangman.

I hope the honourable members will see fit to support this, and perhaps from time to time in the coming year we will be able to report on just what the effect has been. We do not think it will be seriously deleterious. We think any downturn in manufacturing will be short lived and we hope the general economic growth will resume and tax will be payable.

**Mr. McFadden:** I am curious to know whether the Treasurer has the figures on one point he made in his statement, that Ontario is the only Canadian jurisdiction that provides an exemption on heavy trucks for retail sales tax. If he knows, can the Treasurer tell us roughly what percentage of the heavy truck manufacturers are located in Ontario? I do not have the previous budget to know the basis on which this was done, but I assume one of the reasons was that the



heavy trucking industry is centred in Ontario, that it made sense at the time and perhaps still makes sense to continue the exemption as an incentive to that industry since it probably is Ontario-centred. The other provinces may not have the same economic incentive to do it because they may not have much of a trucking industry to which to grant an incentive.

**Hon. Mr. Nixon:** I do not think we have that information readily available, but if it is known anywhere in the universe, the gentleman in front of me will know and we will provide the information to the honourable member, either now through me or later when we have an opportunity. We must understand that although trucks are manufactured here, probably more of them than anywhere else, if they are bought in some other jurisdiction, the sales tax applies there. I understand that even if one buys it here and drives it to the other jurisdiction, if it is tax-free here and taxable there, the tax is payable at least in part.

**Mr. Gregory:** In his last remark, did the Treasurer say he wanted to make sure that the taxes are payable at least in part?

**Hon. Mr. Nixon:** No; payable in part in other jurisdictions where they have a sale tax on trucks.

**Mr. Gregory:** I see. I cannot add much more to what I have said. Unfortunately, because of a phone call I had to make, I missed most of the Treasurer's remarks. I assume that while I was out he said he was going to accept my amendment. Is that correct? No, it is not correct.

**Mr. Harris:** I have a couple of comments for the Treasurer. I also apologize. Is he the Treasurer today or the Minister of Revenue?

**Hon. Mr. Nixon:** Minister of Revenue.

**Mr. Harris:** But he got his marching orders from the Treasurer on this.

I am sure a lot of points have been made about the concern in the trucking industry, at least in the manufacturing sector and with the sales people and those who purchase trucks. I have had a number of discussions with people in my riding who are involved in the trucking industry. I would like to point out to the Treasurer, I guess from a northern Ontario perspective, that not only does this impact around the province and on the trucking industry—I am sure my colleagues have pointed out the numbers of the projected job losses attributable to the imposition of the sales tax—but also it particularly impacts on northern Ontario if it adds to or increases the already burdensome transportation costs that small industries and consumers in northern Ontario face.

This is a time when we have all acknowledged the great economic recovery and boom that are taking place in southern Ontario where transportation costs are not all that significant. This further adds to the problems of small northern Ontario industries and retailers, as these costs escalate and are passed on eventually to the consumers.

When the Treasurer brought in the proposed amendments to the retail sales tax in this area, perhaps the extent to which northern Ontario was not participating in the recovery was not fully known. It ought to have been known in some sense because there have been a considerable number of layoffs in many of the industries in northern Ontario since the budget of the Treasurer. Many concerns have been expressed to me that this is a very inopportune time, for northern Ontario in particular, to be placing this added burden.

#### 16:40

Most of those involved in the sale of trucks have indicated to me a rush of interest in purchasing trucks. Had delivery been able to be made before the end of 1986, there could have been some short-term benefit to those companies that build, supply and sell trucks. However, they tell me that even that anticipated flurry that could have been of some benefit, albeit in the short term and only for 1986, did not develop because they could not respond with delivery. They were getting customers coming in and saying they would like to order a truck provided they could get delivery before the end of 1986. When they could not get delivery before the end of 1986, the orders were cancelled. They were not interested.

It is the type of tax that should be imposed when good times are coming, when the trucking and transportation industries are healthy. Then it is a method of raising funds that is not noticed considerably, if it can be passed on. I want to relay to the Treasurer that it cannot be passed on at this time in northern Ontario. Those small businesses and truckers are already feeling the pinch with the 15 per cent tariff affecting the lumber industry. That is another reality that has come on since the budget. As he knows, the lumber industry relies very substantially on either buying and operating its own trucks or using a carrier to which these additional costs are again added on.

That is another area that may not have been predicted by the Treasurer when he brought in his budget. It is the whole area of depression that is hitting the softwood lumber industry. In my community, the great riding of Nipissing, and

even more so in some of the other ridings throughout the rest of northern Ontario, that in itself may be a reason for the Treasurer to take a little softer stance on this proposal, whether it be by way of phasing in or by way of saying, "In view of what has happened since I brought in my budget...."

I am trying to come up with some reasons the Treasurer could use to say that it made sense when he made up his budget and brought it in, but that things have happened in northern Ontario where the trucking industry is of paramount importance and of more significance to the north than it is to the south. He could say that since the preparation of the budget, things have happened that have caused him to take a second look at this. On second reflection, he would not have to change his mind about what was appropriate when he brought in his budget, but rather he would reflect with us on what is appropriate now.

I hesitate to add to this argument by suggesting that is an appropriate reason for budget bills to be delayed six or seven months before they are dealt with, because I do not think that is appropriate. However, in this case, on this particular bill and on this particular amendment that has been placed by my colleague, it may be of benefit for the Treasurer to have had those six or seven months of experience of what has happened in northern Ontario. I ask the Treasurer to reflect on those convincing arguments, on some reason that he might even accept a phasing-in of this tax.

**Hon. Mr. Nixon:** As usual, I find the honourable member compelling, but I cannot agree with him entirely on these matters. I am not going to indicate that I am accepting the amendment. It is not an unreasonable amendment in any way, but we are going for the full restoration of the tax and the revenues.

The honourable member who has just spoken is aware that the cost of the truck, including the sales tax, is added to the capital cost allowance of the trucker and it is on a basis of writing the truck off in three years. It does not make it that much easier to buy; but even on the argument that with full knowledge and plenty of warning of the reimposition of the sales tax, the honourable member indicated people want to buy a truck and the backup in orders is such that they have not been successful in getting delivery guaranteed before January 1—I am sure there are cases like that—I have made some inquiries in my own constituency from people who are in the trucking business and that has not been their experience. One constituent in my own home township placed an order for a very large tractor, more than

\$100,000, and was able to get delivery in about a month. He has it now. I am sure there are cases where people have wanted to take advantage of the ample notice we have given and have found that has not been possible, but we feel it is appropriate to go forward with the amendment as we have placed it.

**Mr. McCague:** I am a little surprised that the Treasurer, as reasonable as he seemed in the earlier two amendments today, does not see fit to extend the support to this amendment that is deserved.

One of the statements the Treasurer made must have been taken from the accord, when he explained to us that he thought the tax was appropriate because profits were at an all-time high. He knows, as we all know, the business is very cyclical. It can be up for one six-month period or a year and it can go quite flat in the period that follows. If he was forecasting at all, I would have thought he would have seen fit to go along with the amendment suggested by my colleague. It does not ask for no tax; it asks for a reintroduction on a phased-in basis.

One of the things I thought the minister might put some value on was the fact that safety has been an issue in the trucking business for quite a few years. It is the basis of some amendments the Minister of Transportation and Communications (Mr. Fulton) is suggesting. I would have thought anything he could do to bolster the market for new trucks and get some of the older ones off the road would have fairly good side benefits.

When the minister is talking about profits being at an all-time high, he is talking about the very large companies. I do not think he gets his hands on the statements of the person who drives one truck. There are a lot of self-employed people in the trucking business with just one truck. The better the equipment, the safer it is. When he is looking at these glorious statements of big outfits, perhaps he sees an all-time high. A lot of those companies are in several businesses, not only trucking. I would have thought he would have wished to have a phased-in return of tax so that it would help the individual who is driving his own truck.

**16:50**

**Mr. Gregory:** I guess we will be getting on to the last amendment the Minister of Revenue presented. I did not want to miss the opportunity and have that go by. When we finish with this amendment in this section, we will be going back to 13 to have an opportunity to wrench him apart on that one.



**Mr. Ashe:** Just for clarification, as I understood it, this is only one subsection of section 4 and section 4 has not passed yet. I have some separate comments to make on another subsection of section 4.

**The Deputy Chairman:** Shall Mr. Gregory's amendment to section 2 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Call in the members.

**Hon. Mr. Nixon:** I should have mentioned there is an agreement by all parties that we would vote at 5:45 p.m. on any amendments dealt with in committee.

**The Deputy Chairman:** Therefore, this will be stacked until 5:45 p.m.

You have an amendment to section 4?

**Mr. Ashe:** No, not directly. I am hoping the Treasurer in all his wisdom, as he is being somewhat half-charitable today, may have an amendment of his own. However, I would like to make some comments.

I think it would be inappropriate to let section 4 go by without drawing the attention of the Treasurer and all of the taxpayers to subsection 4(1), where the Treasurer, in grandiose style, is going to increase the exemption on prepared food products, etc., from \$1 to \$2.

We have talked about this issue before, but I think it bears repeating. It seems to me that back around March and April 1985, up to and including May 2, 1985, I heard the leader of the Liberal Party—now the Premier (Mr. Peterson) due to some other devious negotiations—and the Treasurer and others talk—

Interjections.

**Mr. Ashe:** Let us say roundabout negotiations that had dire effects on the province.

In any event, I think all members will recall, as I am sure the taxpayers of Ontario will recall, that the now Premier and many of his colleagues, including I am sure the Treasurer and Minister of Revenue, went around this great province of ours and talked about many things that would happen in the very unlikely event that they became the government.

Lo and behold, they did become the government, but they kind of forgot about a lot of those things. I would like to draw one or two of those things to the attention of the members. I can recall, for example, that many over there said the day they were elected the Morgantaler clinic and anything like it would be closed down.

**Hon. Mr. Nixon:** We are not taxing abortions.

**Mr. Ashe:** Indirectly they are, because that has an impact in a fiscal sense on the province.

We know that one is not only still functioning and flourishing, but it also now has a companion down the road.

Another thing that is completely relevant to subsection 4(1) of this bill is that many opposite, including, I am sure, the now Treasurer and Minister of Revenue, went around the province saying, "As soon as we are elected, we are going to reapply the minimum \$4 exemption on prepared food products, because it was that dastardly government that put the tax back on the little kiddies' hamburgers at McDonald's, and we will right that wrong virtually immediately."

As members well know, back somewhere in 1985, the Treasurer brought down a budget, and he must have been embarrassed when he put on a \$1 exemption. He said they would put on a \$4 exemption but he put on a \$1 exemption. As we all know, one cannot buy much for a buck in most cases, except for the odd special when they advertise, "Come on, you can have a coffee and a doughnut for 99 cents." That is about it.

One cannot go into McDonald's, Burger King or whatever and buy any two products that total less than \$1. Yes, one could go in and buy a coffee, if one did not want anything else, an order of french fries, if one did not want anything else, or a package of cookies, if one did not want anything else; although with that one, they would probably have to look in the book to see whether that was considered a prepared food product.

It was only a buck. I remember him saying, "We cannot bite it all off at one time," even though they said they would. "Wait until next year." The next year, in May 1986, once again in very embarrassing fashion, the Treasurer got to his feet when he was reading his budget document and stated with all fanfare, clapping, howling and hooting and what have you, that he was going to double that exemption from one buck to two bucks. Mind you, inflation caught up a little bit of that in the meantime, but sure, one can buy a few more things for \$2 than for \$1—no doubt about that—and it is a step in the right direction.

When do we get to the point where a party can put forth a platform, especially those parts of the platform that have specific financial, pocketbook appeal to the taxpayers—they may have even got two or three votes because of that, I do not know. They talked about beer and wine in the corner store too, something that they saw in hindsight



was not really very good. As a matter of fact, the Liberals all stayed home when we voted on that one.

Interjections.

**Mr. Ashe:** They nearly all stayed at home with a few exceptions.

When are we going to get to the point where a government that comes to office with those types of promises becomes accountable? I know the Treasurer is normally an honourable man. I hear from the corner restaurant in St. George that he is an honourable man. I know the local Shell station figures in most cases—and I heard some recent exceptions that we talked about before—think he is an honourable man. Yet how in all good conscience can he rationalize that after all this time—from May 1985 and now we are going to be into the early days of 1987—he has gone just halfway, \$2 towards the \$4 deal of exemptions on prepared food products and so on. I would like to hear how the Treasurer can rationalize that.

He may have had a real ringing conscience while he was listening to this. He may even be prepared on his own to bring forth an amendment to implement immediately the \$4 exemption that was promised, although I would have thought it would have been about June 27 or 28, 1985, at least, if not within a day or two of that, that we would have had the \$4 exemption. Maybe, with the conscience that I know the Treasurer and Minister of Revenue has, he may want to bring forth an amendment that changes that \$2 item to \$4.

I know many families who have to do a lot of their eating at the corner McDonald's, Burger King, Wendy's, etc.—I like to give them all equal publicity—will thank him for the rest of this year. We will be able to say, "It took him a year and two thirds but he did fulfil at least that one election promise."

**The Deputy Chairman:** I do not know what hot dogs and hamburgers have to do with this.

**Mr. Breagh:** I do not either, Mr. Chairman, but you have allowed some debate on it. The member for Durham West (Mr. Ashe) railed at length, as he usually does, against democracy. I guess we are accustomed to that now. Even in a parliamentary system, we allow people to argue against the democratic process.

17:00

**Mr. Davis:** Why do you not go across there and put on a red tie?

**Mr. Breagh:** I could do that. The member for Scarborough Centre (Mr. Davis), the reverend, has invited me to cross the aisle and put on a

red tie. I am restricted somewhat by parliamentary language, but when we go into the lobby, I will give him some instructions on what he can put on and where he can go with it.

**The Deputy Chairman:** Order.

**Mr. Breagh:** If he wants to intervene again, we can be a little more explicit for him.

It is worth pointing out that there was an opportunity for the Treasurer to do something useful; that is, to raise that exemption somewhat. I can take him to some places in beautiful Oshawa where one can have lunch for less than \$2. Johnny's Grill on Simcoe Street South has a very fine luncheon menu for less than \$2, and there are a few other places. Perhaps the Treasurer should visit a little more frequently some of those independent small businesses that use their ingenuity to put together fine meal packages at moderate prices. If he stayed away from the multinational organizations in the food chain business and frequented local small businesses, he might find he can do that.

There is a small measure of validity in what the member for Durham West had to say. For many of our citizens, the tax exemption is worth while, even though it would appear to be a relatively small amount.

For years, I have argued that on a theoretical basis a sales tax is the worst kind of tax. The unfairness generated by a sales tax process is really quite wrong. For those who have a reasonable income, a sales tax is an inconvenience; it is bothersome. There are many people on fixed incomes who find that the sales tax provisions are a bit onerous. Every time they turn around to buy an article of clothing, a decent meal or a service of some kind, they are hit yet again by the government.

The Treasurer may want to give us a long serenade about his grant programs for seniors, all the exemptions in the Income Tax Act and everything else, which is fair game. However, I would put to him that for many people who are at or below the poverty line—and unfortunately, that includes most people who are on a pension of any kind in Ontario these days—the thing that hurts on a day-by-day basis is something such as a sales tax that they simply cannot avoid.

Nobody likes taxes. If we were all interested in doing wonderful things, we would abolish taxation of all sorts, but the truth is that a government cannot function without some kind of taxation. That being the premise, the only fair way is to do some form of income taxation where ability to pay is the criterion.

I would like to see subsection 4(1) broadened somewhat. Perhaps we can look forward to this in the spring budget that is presented by the Treasurer. I would like to see the attempt made there to identify people who are on fixed income. It might appear to some of us that the amount is relatively small and inconsequential; for many of our citizens, it is not. It is the small difference that adds up day by day, eating into what they might call their allowance money. For many of our seniors, the big thrill of the day is to go out with three or four friends to some local restaurant to have tea or coffee or lunch. There is no reason I can think of that the government of Ontario should be interested in taxing that social occasion.

If the government wants to say the \$50 business lunch or the \$50 lunch the Treasurer himself might have could be taxed—

**Hon. Mr. Nixon:** How could I eat \$50 worth of lunch?

**Mr. Breaugh:** I have seen him spill \$50 worth of lunch.

If he wants to identify that situation as being taxable, that is acceptable to me. The basic unfairness of a sales tax is increased each and every time a government focuses the sales tax on those who have a minimal amount of disposable income and who, each time during the working day—and this is the thing that gripes me most. I do not like paying taxes any more than anyone else, but it bothers me that every time I turn around, some level of government is laying out its taxation process to me, most of the time, in a way that is not visible to me. Most of the time, the tax is being collected by someone who is not a tax collector, someone who is pumping gas into my car or selling me something at the corner store. There is a basic unfairness in that.

I would like to see the Treasurer pay some attention to his leader in his next budget. I know he does not do it all the time, but once in a while it would be helpful if he would pay attention to the commitments that theoretically have been made to seeing that the exemptions at the lower level of the sales tax provisions are carried through.

This falls into the category of cheap political advice. More people out there would recognize that the government at least was aware that they have some economic problems too. If the government is willing to provide exemptions for the people who just bought Minaki Lodge today, for probably very good and valid reasons, if it is prepared to take a major hotel chain buying out something like Minaki Lodge and recognize that it needs some tax exemptions, some other

incentive to make that purchase, then perhaps it would be just as fair to apply that notion to those who are at or near the poverty line—that is, almost anyone who is on any kind of pension in Ontario today, whether he is old or young—and apply the same criterion to them. That would be fairness.

**Hon. Mr. Nixon:** I appreciate the comments made by the honourable gentleman about the \$2 exemption.

Speaking of gradualness, I am sure the member for Durham West recalls, going back to September 1, 1961, that when his government was in office, it had an exemption of \$1.50, which on April 1, 1969, it raised to \$2.50. On May 1, 1973, it raised the exemption to \$4; on April 7, 1976, to \$5, and on April 20, 1977, to \$6. The government was doing it gradually. The honourable member, being the experienced person he is, would know that, like all the fine things in life, this is not a bad way to do it.

We have made a commitment to the \$4. It did not sell very strenuously in the campaign, but it was certainly made. The Premier went down to have breakfast at Switzer's; you may recall that occasion, now almost two years ago. He was struck by the fact that all this fine food was taxable. People were just going in for a snack, little kiddies were coming in with their nickels for something to eat, and the taxman of the day was grabbing away \$5 billion worth of those nickels. Therefore, we decided it was an appropriate thing.

The exemption itself is still a commitment made by the government. We have three and a half years left in our mandate.

**An hon. member:** Huh.

**Hon. Mr. Nixon:** What do you mean "huh"? It is my firm expectation that if the government is to survive for the full five years, there will be an exemption of at least \$4. That is without anything intervening that might seem to be an exemption in itself.

**Mr. Ashe:** I have just one last comment in relation to the last statement by the Treasurer. By the time he gets around to the \$4, he will have to recognize that times have changed and that \$5 will be equivalent to \$4. Anything up to and including \$5 will be the commitment that was made prior to May 2, 1985.

Section 4 agreed to.

**The Deputy Chairman:** I think we agreed to discuss section 13.

**Hon. Mr. Nixon:** Yes. On section 13, I have put the amendment, which makes the application of the sales tax on heavy trucks valid as of

January 1. That is the purpose of the amendment. The member for Mississauga East (Mr. Gregory) indicated that he would like to put his amendment first, since it deals with the taxing of heavy trucks, and that made sense to me.

**Mr. McCague:** Mr. Chairman, on a point of order: Your question to us was, shall section 4 carry. We already have a vote stacked on section 4. Is that not right?

**The Deputy Chairman:** No, the amendment is on section 2. Mr. Gregory moved that section 2 of the bill be renumbered as subsection 2(2) and that the bill be amended by adding thereto, etc.

**Hon. Mr. Nixon:** There is not a vote on that amendment anyway.

On section 13:

**The Deputy Chairman:** Are there any comments on section 13?

**Mr. Gregory:** I wanted to have a few words on the amendment. It seems to me that this is opportunism. Under the initial intent of the bill—and in fact it states in the bill the amendments the Treasurer is making under Bill 26—that this act, except subsection 12(3), comes into force on the 30th day following the day it receives royal assent. The amendment is to change section 4, so that it comes into effect on the day it receives royal assent.

**Hon. Mr. Nixon:** Just the one dealing with the truck tax.

17:10

**Mr. Gregory:** That is right. That leads me right into what I want to say because the initial intent was to allow 30 days from the day it receives royal assent. This was done at a time when the Treasurer assumed the bill would be passed before the end of November. Now we are making this adjustment to take care of those people who take delivery on a truck in the first week of January. If the bill had been left as it was and the bill did not get royal assent until, say, December 15, this would mean that he would not get any tax up until January 15. Is that not a fact?

**Hon. Mr. Nixon:** We want the trucks to be taxable as of January 1.

**Mr. Gregory:** Right, but the Treasurer did not say that initially. That is what he wants now. That is what he wanted, but it did not work out quite in accordance with his plan; that is what I am saying.

**Hon. Mr. Nixon:** We hope it will still work out, with any reasonable accommodation by the honourable member.

**Mr. Gregory:** It cannot possibly work out because here it is now December 8 by my watch. Royal assent, even if it came today, puts the 30 days on to January 8, which means that he would lose one week of retail sales tax. His concern is that he wants to make sure—

Interjection.

**Mr. Gregory:** It is either one thing or the other. He is either having to backtrack here to make sure he does not lose some taxes in January or his legislative draftsman is very sloppy because he did not foresee this. Of the \$65 million that he is talking about, he is putting this in because he is afraid he will lose the tax for a week or two, say one fifty-secondth of that, in other words, about \$5.5 million. That is the main reason he is doing this.

If he means that a bill comes into force 30 days after it receives royal assent, then that is the way it should be. He is tinkering with one particular section again. If it is supposed to mean 30 days after royal assent, then that is what it should be. If he was afraid of this happening or if it occurred to him that the timing was wrong and he might lose a week or two of taxes, then he should have thought of that in the first place.

The fact of the matter is that because of the wording of his bill, which has been put out to the public, the people who are going to be affected the greatest by this might well be viewing this and saying, "The tax is not going to begin until 30 days after royal assent." Even they can look at their watch today and say: "It is December 8. Therefore, we cannot possibly be taxed until January 8."

For all we know, some dealer has made arrangements on the strength of this bill to make deliveries in the first or second weeks of January. Fair is fair. He or his advisers have miscalculated the timing or have made a mistake in it, but he is suddenly making the amendment to make up for his mistake, which could well cost millions of dollars to some of the people who are buying trucking equipment.

I do not know whether the Treasurer agrees with me about whether what I have said is right. He might not agree with changing that, but I think he has to admit what I am saying is true. His drafting of the bill was sloppy in this case, if he finds he has to do this now. I ask him to have a second look at that.

**Hon. Mr. Nixon:** If there was any sloppiness associated with the bill, it was the responsibility of the House leader and not the draftsman.

**Mr. Breaugh:** Who is that?



**Hon. Mr. Nixon:** Impeach me. We have been doing all sorts of important things—the Upholstered and Stuffed Articles Act and things such as that.

It says clearly in the explanatory notes—and the honourable member really is stretching this—“This subsection ends the exemption from tax to the purchaser of a truck, truck tractor,” etc., “delivered after December 31, 1986.” In the explanatory notes it is quite clear, all the way through. This simply gives effect to the stated intention that the seven per cent tax will be collectable on every truck after December 31, 1986. If he will let us get to it, we will do that.

I wish we had carried this earlier, but we have had a lot of important things to do and we have left a lot of important things to do. Will he kindly quit this?

**Mr. Gregory:** I hear the Treasurer’s heart-rending pleas for mercy, and I certainly do not want to belabour this point. Since I did not even sit on the committee that was dealing with this bill, it is not my fault that it is being dealt with only now.

**Hon. Mr. Nixon:** I do not even want to mention the committee; I could have. I said it was the House leader’s fault, if there is fault. It is democracy. That is what we are doing here. That is what we are here for.

**Mr. Gregory:** Can I sit down and speak too, or is it special for the Treasurer?

**Mr. Warner:** Can the member do both at once?

**Mr. Gregory:** That does not take much effort.

Naturally, the Treasurer’s intent to collect this tax was very clear where he said it begins on January 1, 1987. There is no question about it. All I point out is that when people read this, they also read at the end where it says 30 days after the bill receives royal assent. That is sloppiness if he has different meanings from the front of the bill to the back of the bill, but now he is changing it to conform with his wishes to begin taxing these people on January 1. It says it is 30 days after royal assent. Is that sloppy or not? If the Treasurer will admit it is sloppy, I will sit down and let him get on with the bill.

**Hon. Mr. Nixon:** It is sloppy.

**Mr. Gregory:** Good.

**Mr. Breagh:** I hesitate to enter into this sloppy field. To be serious for a moment, I want to say the Treasurer accepted in this budget a concept that I have advocated for some time. Even in a minority situation, I have heard governments say, “This bill takes effect tonight

whether we pass it or not because we will start collecting tax.”

**Hon. Mr. Nixon:** I find it is a very neat way to do business.

**Mr. Breagh:** Yes. I have accepted the notion that he at least has had the good grace to say, “We will wait until the act is passed.”

The bill was introduced in May, so people cannot really give us much of an argument that they have not had notice. We had a debate on second reading. We televised that debate around Ontario. This bill has been to a committee for public hearings. I do not know how much more one could want.

The intent was clear that we would notify people of changes in the retail sales tax. We have done that. We had the parliamentary debate on it and we had public hearings on it. We printed the bill and it has been circulated since May. The member for Mississauga East is really stretching it by trying to make some argument that no notice has been given or that proper notice has not been given. If one wants to accrue blame, I join with the Treasurer and blame the government House leader who is inept, unfair and fiscally irresponsible. To have brought in the Line Fences Act ahead of this act is probably not a good reflection of the government’s priorities.

**Hon. Mr. Nixon:** This was in the hands of the committee at the time of the Line Fences Act debate.

**Mr. Breagh:** This camel was built by a committee. I understand that.

One may not like what the government is doing here, but eight or nine months’ notice is probably about as much as one will get. We can offer debate on second reading and public hearings, and we can televise the process. I do not know how much more notice we can give to people.

If one misreads the bill, as appears to be the case for the member for Mississauga East, we should all sorely apologize for that. Maybe there should be some bills produced in cartoon form so that everyone can understand what is being debated in the Legislature. However, as far as parliamentary traditions are concerned, I believe the government has done what it needed to do, and we will support the amendment.

17:20

**Mr. Ashe:** I am not going to direct my remarks to the point made by my colleague the member for Mississauga East. The Treasurer and Minister of Revenue has heard my critique on this item before, and it fits right into the section we are

now debating, the effective date. Although some parts of the bill will use the date on which the various provisions of the bill come into effect, there is no doubt parts of the bill were always intended to come into effect on January 1, 1987, regardless of when the bill is passed. I have no problem in that regard with those particular sections.

I take umbrage with the general, overall philosophy of the Treasurer, the Minister of Revenue or the House leader—whomever he wants to blame it on; it does not matter—taking five months and one day, as I recall, before he ever called the first budget bill for debate.

He has to hang his head in shame not only for taking a year and a half to go from the proposed \$1 to \$2, when it should have been \$4 a year and a half ago, which I talked about a few minutes ago, but also for taking more than six months to implement it. That is an extra windfall somewhere along the line. He could get up right now and amend that section to read "\$2.50" and it would not cost him a cent, because he has already taken in an extra six months of revenue on the difference between the \$1 exemption and the \$2 exemption on prepared foods.

**Hon. Mr. Nixon:** I am not apologizing for allowing democracy to work.

**Mr. Ashe:** That is not democracy.

**Mr. Breagh:** He is against democracy.

**Mr. Ashe:** Some of us know the difference in the process. I guess my colleague the member for Oshawa does not.

I do not see how the Treasurer could call it the democratic process before the bill was called. I acknowledge that once it was called and debated for second reading and ordered to committee, which was insisted upon by the opposition, it was the democratic process. That has been fulfilled in a reasonable time, something less than two months from beginning to end. However, it took five months and one day from the time the Treasurer tabled the bill before he called it for second-reading debate. That is practically theft from the taxpayers' pockets, particularly that minimal, niggardly increase from \$1 to \$2 on prepared food products, when the fulfilment of the election promise would have been \$4. We wasted more than five months before receiving the niggardly increase from \$1 to \$2. In that regard, the Treasurer, the Minister of Revenue and the House leader should hang his head in shame.

**Mr. Breagh:** Could I move an amendment that we hang the government House leader? I think we would get unanimous consent.

**Mr. Harris:** I do not want to prolong the debate, but I think the member for Mississauga East has been maligned a little bit by both the Minister of Revenue and the member for Oshawa.

**Hon. Mr. Nixon:** The member for Durham West took him on too.

**Mr. Harris:** He did not support him as strongly as I thought he was going to, but I do not think he maligned him.

I mentioned my experience with the trucking tax, particularly in northern Ontario, of people trying and rushing to get delivery before the end of December. They are acutely aware of this bill, as the member for Oshawa said, because it has been circulated and it has been on TV. They have had lots of opportunities to look at it.

I understand the government's position and that of the member for Oshawa that the intent was January 1, whether one, 10 or 50 people may have thought that delivery by January 7 or January 10 was going to be okay and they would still work towards that and keep faith with their customers and with the legislation, as they read it at the time, which said it would be 30 days.

I thought the member brought out a point. I understand it is not going to be accepted and we will not prolong the debate. As the minister knows, we think this tax should not have been imposed. We fought to see whether it could be phased in in some way. Now the member for Mississauga East in a last gasp is trying to salvage seven, 10 or 15 days for some of the people of Ontario and, I would argue, on behalf of some of the people of northern Ontario who have expressed concern to me. I do not think he should be maligned for that and told he needs the bill in cartoon form. People reading this bill could easily have felt that they had another week or two weeks, based on the amount of time it was taking the government to get this legislation dealt with.

I will support the member for Mississauga East and vote against this amendment.

**Mr. McCague:** I have a question for the Minister of Revenue. In his explanation to my colleague, he referred to the explanatory notes on subsection 4(10). He gave the reasoning that it referred to the date of January 1, 1987. Page 4 of the bill at the top of the page under subsection 10 is all in black ink. He mentions twice on the page that it will be January 1, 1987. I am not a lawyer, so I do not quite understand why it is mentioned at the top of page 4. Does it have any force and effect? If it does have any force and effect, why is he bringing in an amendment?

**Hon. Mr. Nixon:** The final section refers to the fact that it will come into effect following royal assent. There are two dates. One is December 31, and it is up until that time that the tax is not collectable; then on January 1 the tax is collectable. It is a little complex for a person such as me, but I think it will work out all right.

**Mr. McCague:** The answer was probably as good as my question.

**Hon. Mr. Nixon:** What are we doing? Are we trying to spin this out? Delay?

**Mr. McCague:** No, not at all.

**Hon. Mr. Nixon:** I thought we were.

**Mr. McCague:** I still do not understand what the minister is saying. Let me ask the question in this way: In the other cases in the act, the effective date is not mentioned in the amendments. In this case, we have the operative date mentioned in the amendment. Why do we have to end up again saying that it will come into force on January 1, 1987?

**Hon. Mr. Nixon:** I must reinforce what has already been said. The assumption was that this bill would have been carried in ample time before the end of November.

We thought it would be quite appropriate to allow the other changes—for example, the \$2 exemption—to come into effect 30 days after it passed. The member for Durham East is quite correct that the longer this goes on, the more money I save and the more I postpone the cries of anguish from the people in the business who are going to have to adjust their machinery a little to exempt the \$2.

We felt it was fair to the manufacturers and the purchasers of heavy trucks to have a specific date. If this had been carried, as it might have been in June or in July if the House had gone into July, or if we had not had a heavy legislative program in the fall, or if it had not been sent out to standing committee—that was not my intention; it was theirs—all these things were not expected to occur, but they did. We now find ourselves on December 8 saying the tax will be collected on January 1, 1987. It is the policy of the government, and we are trying to get the House to pass on that policy in the only way it can, other than delay.

17:30

**Mr. McCague:** I will give the minister the opportunity to answer the question after the fact. I do not understand, and I think it is a legitimate question, why the minister does not mention an effective date in other sections of this act.

In this case, he mentions January 1, 1987. I am not arguing that point at this time. He has a specific date in this one. The minister has changed the amendment and says he has not changed it at all. He has changed it to have certain sections come into effect after 30 days. Another section comes into effect the following day. The date of January 1, 1987, is already in the bill, yet he wants to bring in a third section that says it again.

**Hon. Mr. Nixon:** I want to be sure that the tax on heavy trucks is collectable as of January 1. It will not be collectable if the House says it will not be. That remains to be seen, although I have every reason to believe it will carry.

The other reason is that the same worthy people who advised the honourable member and his colleagues are advising me. They are very competent and capable, and I am taking their advice in this matter. They indicate that this amendment is necessary if our budgetary plan to collect the taxes on heavy trucks on January 1 is to go forward.

**Mr. Gregory:** I let it go by when there were a couple of rather snarky remarks from the end of the table from the party of last resort, but I hear remarks from the Treasurer to indicate we are stalling this.

I brought this up. In fact, the reason I raised this point in the first place was that I had calls from people in the trucking business. They ask what 30 days after royal assent means when it is already past December 1. They ask whether this means the tax will not be payable for 30 days beyond royal assent, according to the act, or not. In all honesty, my answer to them was that, in my opinion, the tax will be collected retroactively, which it will, according to the bill.

All I wanted to point out to the Treasurer, the Minister of Revenue and the House leader, who brought in this sloppy bill, is that he is doing this for housekeeping. It is a housekeeping measure. It could have been avoided. As the member for Dufferin-Simcoe (Mr. McCague) pointed out, the minister spells out December 31 in the clause, but he fouls up the whole thing later on by saying 30 days after royal assent. That is my comment.

I have had to defend the Treasurer to the trucking people on many occasions and say he really means well.

**The Deputy-Chairman:** All those in favour of Mr. Nixon's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.



Motion agreed to.

Section 13, as amended, agreed to.

Section 14 agreed to.

**EQUALITY RIGHTS STATUTE LAW  
AMENDMENT ACT  
(continued)**

Resuming consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

On section 18:

**Hon. Mr. Scott:** The next item on which there is an amendment is section 18. The member for Ottawa Centre (Ms. Gigantes) had an amendment she wanted to make.

**Mr. Wildman:** She is on her way.

**Hon. Mr. Scott:** She is on her way.

**Mr. Warner:** Do you have the amendment?

**Hon. Mr. Scott:** I have the amendment. I might even make the amendment in her place and thereby get all the press attention that she hopes to get herself.

**Mr. Davis:** Is that part of the accord?

**Hon. Mr. Scott:** No, but I get criticized if an amendment is made by somebody else. The Toronto Sun says I have not been in support of it and I should have made it myself, because it did not have the authority of a government amendment.

**Mr. O'Connor:** Then you blame me.

**Hon. Mr. Scott:** Then I blame the member for Oakville, which of course is quite warranted.

But the member for Ottawa Centre is here, and I think the amendment is to subsection 18(3a).

**The Deputy Chairman:** Ms. Gigantes moves that section 18 of the bill be amended by adding thereto the following subsection:

"(3a) The said act is amended by adding thereto the following section:

"3a(1) Every 16- or 17-year-old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than 18 years old.

"(2) A contract for accommodation entered into by a 16- or 17-year-old person who has withdrawn from parental control is enforceable against that person as if the person were 18 years old."

Are there any questions or comments?

**Ms. Gigantes:** Just very briefly, I believe there is agreement all around the House on this

matter. It is a result of the many presentations we had before the standing committee on administration of justice in the months of hearings we had on Bill 7 and the many individual and group submissions to our committee that outlined the difficulties that are being faced by 16- and 17-year-old people, many of whom have responsibilities of their own as parents. They are young people who are not living at home, who have to assume financial responsibility for themselves and, in some cases, for their own children and who are prevented from finding accommodation in the private market because, up until this motion, if it is passed, they were not protected under the Human Rights Code.

This would make a change to our code to allow them to have the same protection in terms of age discrimination as other people. We know it will have a very large social effect and a social benefit for that reason. I should also note that it is only very recently that the Ontario Housing Corp. and various municipal housing nonprofit corporations have been willing to accept as tenants people aged under 18, even if they have children for whom they are responsible. This will allow 16-year-olds and 17-year-olds to take their place in the marketplace fight for housing.

**17:40**

**Mr. O'Connor:** I am inclined to support this amendment for the reasons the member has put to us. She disappeared. I had a question of her.

**Mr. Callahan:** She is down below the table there.

**Mr. O'Connor:** I thought she had gone somewhere. I did have some questions and comments to make with regard to the matter.

As I understand the intent of the amendment, it is to place 16-year-olds and 17-year-olds who have withdrawn from parental consent in the same position as those who are older than 16 and 17 years—in other words, adults—vis-à-vis their rights and abilities to contract for accommodation in Ontario, a very admirable and worthy goal.

The difficulty that I see may arise—and perhaps she should give some thought to addressing this particular difficulty—is that although they will now be on the same footing and basis as adults, as with adults, any apartment owner, when receiving an application for accommodation, has the right to do a credit check, an assessment of the credit worthiness of the applicant, and to refuse accommodation to that person if it is determined that he or she cannot pay. For the most part and for practical purposes, we will find that most 16-year-olds and 17-year-olds will have a diffi-

cult time meeting the credit check carried out by the apartment owner.

I wonder whether the member has any comments on how that situation may be addressed, keeping in mind that most of our social programs do not extend down to 16-year-olds and 17-year-olds who are out on their own on the streets. They would have difficulty getting assistance from the programs offered by the Ministry of Community and Social Services. In addition to what we are doing here, should there be thought given to extending those programs to give recognition to the fact that there will be these 16-year-olds and 17-year-olds out on the street, probably lacking the ability to get accommodation through lack of credit worthiness, and yet still unable to get assistance from the government?

Perhaps my questions would be better directed towards the government as represented by the Attorney General, who is here in the House.

**Hon. Mr. Scott:** We support the amendment, and to make it clear to television viewers we would have proposed it ourselves if the honourable member had not.

The fact is that 16-year-olds and 17-year-olds can withdraw from parental control. When they do, it is necessary for them to find accommodation. While there will be difficulties of the type the member has referred to in obtaining that accommodation, the purpose of this amendment, as I understand it, is to withdraw a fundamental difficulty; namely, it is reported that some landlords will not, as a matter of discrimination, rent to persons under 18 years of age. Therefore, this is an effort via the Human Rights Code to deal with that threshold question.

As the member for Oakville has pointed out, it is true there will remain the difficulty that young people aged 16 or 17 and outside of parental control have in obtaining appropriate credit ratings, in showing that they are trustworthy and so on, because they have no history in the accommodation market. That problem has to be addressed by other policy, and I gather the

Ontario Housing Corp. is directing itself to that issue at this very moment.

Interjection.

**Hon. Mr. Scott:** The voice of moral authority.

**Mrs. Marland:** I also want to rise in support of this amendment. I suppose it is the interesting, everlasting question about who is old enough to drink, drive or fight for their country. When one gets down to 16-year-olds and 17-year-olds, it is so dependent on the individual. Very often, one can have a 17-year-old or 16-year-old who is more responsible—

**The Deputy Chairman:** Order. I am sorry to interrupt, but we had agreed that at 5:45 p.m. we would call in the members for a vote on section 2 of Bill 26. We will come back to you tomorrow.

**17:55**

#### RETAIL SALES TAX AMENDMENT ACT

The committee divided on Mr. Gregory's amendment to section 2, which was negatived on the following vote:

Ayes 27; nays 54.

Section 2 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Nixon, the committee of the whole House reported one bill with certain amendments and progress on another.

#### NOTICE OF DISSATISFACTION

**The Acting Speaker (Mr. Morin):** Pursuant to standing order 30(a), the member for Carleton-Grenville (Mr. Sterling) has given notice of his dissatisfaction with the answer to his question given by the Minister of Energy (Mr. Kerrio) concerning the Ontario Hydro corridor through the community of Bridlewood in the city of Kanata. This matter will be debated at 6 p.m. on Tuesday, December 9, 1986.

The House adjourned at 6 p.m.

## APPENDIX

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## SALE OF BEER AND WINE

**286. Mr. Runciman:** Would the Minister of Consumer and Commercial Relations, the Minister of Education, the Minister of Municipal Affairs, the Minister of Housing and the Solicitor General table representations made by the Association of Municipalities of Ontario, any school boards and the association of municipal police chiefs with regard to legislation making Ontario wine and beer available in local convenience stores? [Tabled May 22, 1986]

**Hon. Mr. Kwinter:** In answer to the above question, I am forwarding a copy of a table that summarizes, by ministry, the organizations which have made representations to the ministries of Consumer and Commercial Relations, Education, Municipal Affairs, Housing and the Solicitor General, on the issue of beer and wine in independent retail food stores.

**Representations received on the issue of beer and wine in independent retail food stores**

**Ministry of Consumer and Commercial Relations**

David C. Baldwin, director of education and secretary-treasurer, Dufferin County Board of Education, 40 Amelia Street, Orangeville, Ontario, L9W 3T8; received July 11, 1985.

Chief H. V. L. Basse, president, Ontario Association of Chiefs of Police, P.O. Box 5115, Hamilton, Ontario, L8S 4K9; received March 24, 1986.

Wally Beevor, director of education, Halton Board of Education, P.O. Box 5005, 2050 Guelph Line, Burlington, Ontario, L7R 3Z2; received May 15, 1986.

W. C. Blake, director of education, Timmins Board of Education, Education Centre, P.O. Box 1020, Timmins, Ontario, P4N 7H7; received June 18, 1986.

Evan W. Bogart, chairman, Hastings County Board of Education, Education Centre, 156 Ann Street, Belleville, Ontario, KSN 1N9; received December 19, 1985.

W. F. Boston, director of education, Lennox and Addington County Board of Education, P.O. Box 70, Napanee, Ontario, K7R 3M1; received May 12, 1985.

D. M. Disney, EdD, director of education, Victoria County Board of Education, P.O. Box

420, Lindsay, Ontario, K9V 4S3; received November 15, 1985.

R. A. Dodds, director of education and secretary-treasurer, Board of Education for the Borough of East York, Administration Offices, 840 Coxwell Avenue, Toronto, Ontario, M4C 2V3; received December 20, 1985.

John A. Fraser, director of education, Peel Board of Education, H. J. A. Brown Education Centre, 73 King Street West, Mississauga, Ontario, L5B 1H5; received October 10, 1985.

M. Hansen, chairman of the board, Carleton Board of Education, 133 Greenbank Road, Nepean, Ontario, K2H 6L3; received July 3, 1986.

Berchmans Kipp, director of education, Metropolitan Toronto Separate School Board, 80 Sheppard Avenue East, Willowdale, Ontario, M2N 6E8; received November 26, 1985.

E. J. Lagroix, EdD, director of education/secretary-treasurer, Durham Region Roman Catholic Separate School Board, 650 Rossland Road West, Oshawa, Ontario, L1J 7C4; received January 2, 1986.

J. P. McLoughlin, director of education, Board of Education for the City of Scarborough, Education Centre, 140 Borough Drive, Scarborough, Ontario, M1P 4N6; received May 30, 1986.

Dr. R. E. Moynes, director of education, Lakehead Board of Education, 2135 Sills Street, Thunder Bay, Ontario, P7E 5T2; received February 18, 1986, and March 14, 1986.

F. B. Musca, director of education, Lanark, Leeds and Grenville County Roman Catholic Separate School Board, Box 427, Smiths Falls, Ontario, K7A 4T4; received November 20, 1985.

D. John Phillips, director of education and secretary-treasurer, Board of Education for the City of York, 2 Trethewey Drive, Toronto, Ontario, M6M 4A8; received June 19, 1986.

Burle D. Summers, director of education, Hastings County Board of Education, Education Centre, 156 Ann Street, Belleville, Ontario, K8N 1N9; received January 7, 1986.

Gary Tushingham, director of education and secretary, Northumberland and Newcastle Board of Education, P.O. Box 470, 834 D'Arcy Street North, Cobourg, Ontario, K9A 4L2; received June 10, 1986.



E. W. Uhrynuk, director of education, Kenora Board of Education, Administrative Centre, P.O. Box 1270, 100 First Avenue West, Kenora, Ontario, P9N 3X7; received December 4, 1985.

G. A. Watson, EdD, director of education, Brant County Board of Education, 349 Erie Avenue, Brantford, Ontario, N3T 5V3; received November 7, 1985.

W. R. Wilson, director of education, Central Algoma Board of Education, P.O. Box 10, Richards Landing, Ontario, P0R 1J0; received December 4, 1985.

Douglas G. Yarranton, director of education and secretary, East Parry Sound Board of Education, P.O. Box 40, South River, Ontario, P0A 1X0; received February 10, 1986.

John Young, secretary and director of education, Oxford County Board of Education, P.O. Box 636, 94 Graham Street, Woodstock, Ontario, N4S 7Z8; received April 1, 1986.

### Ministry of Education

Raymond J. Doyle, director of education, Frontenac-Lennox and Addington County Roman Catholic Separate School Board, P.O. Box 1058, 84 Stephen Street, Kingston, Ontario, K7L 4Y5; received December 23, 1985.

John A. Fraser, director of education, Peel Board of Education, H. J. A. Brown Education Centre, 73 King Street West, Mississauga, Ontario, L5B 1H5; received December 1985.

Earl H. Lozon, director of education, Kent County Roman Catholic Separate School Board, 535 Baldoon Road, P.O. Box 2003, Chatham, Ontario, N7M 5L9; received December 18, 1985.

Mrs. Margaret McKee, chairman of the board, Peel Board of Education, H. J. A. Brown Education Centre, 73 King Street West, Mississauga, Ontario, L5B 1H5; received December 1985.

### Ministry of Municipal Affairs

AMO conference; received August 1985.

AMO board of directors; received December 1985.

### Ministry of Housing

None.

### Ministry of Solicitor General

None.

### FIRST MINISTERS' CONFERENCE

**318. Mr. Brandt:** Would the Premier provide a detailed cost breakdown of the Ontario

delegation to the first ministers' conference on free trade in Ottawa? [Tabled June 12, 1986]

**Hon. Mr. Peterson:** For the first ministers' conference on free trade in Ottawa on June 2 and 3, 1986, the Ontario delegation, which included the Premier, was as follows: Honourable H. O'Neil, V. Borg, H. Ezrin, G. Hutchinson, D. Kirkpatrick, G. Coté, P. Balog, G. Posen, B. Purchase, P. Lavelle, L. Harrington.

The cost of this Ontario delegation was as follows: airfare, \$2,775.26; accommodation, \$1,050; meals, \$76.77; other, \$302.48.

### TRAVEL EXPENDITURES

**323. Mr. Brandt:** Would the Premier provide a detailed summary of all travel arrangements, including cost, for all individuals who accompanied him to Montreal on June 2, 1986? [Tabled June 18, 1986]

**Hon. Mr. Peterson:** The travel arrangements for the individuals who accompanied the Premier to Montreal on June 2, 1986, were as follows: H. Ezrin, V. Borg, G. Coté, P. Balog, D. Stevenson (Natural Resources King Air, Toronto-Montreal); D. Kirkpatrick (Nordair, Toronto-Montreal); D. Stevenson (Air Canada, Montreal-Toronto).

The Premier and his group travelled on to Ottawa from Montreal.

The cost of the travel arrangements for the individuals who accompanied the Premier was as follows: airfare, \$1,200.55; accommodation, \$340; meals, \$100.25; other, \$138.51.

### MINISTERS' STAFFS

**342 to 373. Mr. McLean:** Would the Premier and all other ministers provide the House with the names, positions of the Premier's or ministry's staff, when they were employed by the ministry, including their salary, duties and date hired, since June 26, 1985? [Tabled July 8, 1986]

See sessional paper 273.

### POLICE PURSUITS

**405. Mr. Sterling:** Would the Solicitor General provide the ministry policy regarding automobile chases involving police? [Tabled October 21, 1986]

**Hon. Mr. Keyes:** The ministry's policy on police pursuits, as set out in the Ontario Police Commission Guidelines and the Ontario Provincial Police In-Service Training Manual, is attached.

This policy is currently under review.

### Ontario Police Commission

Subject: Police pursuit driving

I Purpose: to establish provincial guidelines covering pursuit driving by police officers.

II General: whether a particular speed is "safe" will depend upon the police vehicle, its driver and the roadway.

1. A patrol vehicle has a maximum speed at which it may be operated safely. Some of the limiting factors are: (a) the type and condition of the tires and ambient temperature; (b) the brakes related to the known characteristic of fading severe use; (c) the limit of the suspension system to support the vehicle at maximum side thrust.

2. There are limits on the driver's ability to safely operate a vehicle on a given roadway. Some of the limiting factors are: (a) experience and training in high-speed operation; (b) familiarity with the roadway being travelled; (c) familiarity with the handling characteristics of the particular vehicle; (d) visibility and illumination in the area being travelled; (e) familiarity with obstacles, both present and potential, that must be avoided.

3. Each roadway has a maximum speed at which a vehicle may be operated safely. Some of the limiting factors are: (a) curves and hills; (b) condition and types of road surface; (c) rain, snow, ice, loose gravel or other foreign substance on the road surface; (d) intersections and entrances where other vehicles could suddenly and unexpectedly obstruct the roadway; (e) use of the roadway by pedestrians.

Therefore, there is no range of "safe" speed. Where there are many limiting factors of the type referred to, the speed may be described as "high," regardless of the actual speedometer reading. The police officer must bear in mind the danger created by the above conditions. The danger obviously increases when the police officer lacks knowledge of these conditions.

A. A police pursuit occurs when an attempt is made to apprehend the driver of a motor vehicle and the driver is resisting apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop him.

B. The responsibility for the decision to pursue and the methods to be employed during pursuit rest with the individual officer. In arriving at his decision he must carefully consider all of the factors involved, including the seriousness of the offences, all the possible consequences, and of the outmost importance, the safety of all persons, including himself.

C. The Highway Traffic Act provides that police officers engaged in the lawful perfor-

mance of their duties are not bound by the speed limit. The officer should: (1) utilize warning lights and siren if the patrol vehicle is so equipped; (2) exercise the utmost caution so as to ensure the safety of members of the public and himself.

D. Even though the officer is engaged in the lawful performance of his duties he is not relieved of his obligation to exercise due care, and excessive or negligent driving may well render both him and the force liable to criminal and/or civil action. It is his duty to avoid increasing the danger already created by the fleeing motorist.

### III Pursuit procedures:

A. Once a pursuit is instituted and it is feasible to do so, the pursuit officer should maintain communication with his dispatcher, relaying information such as the identity of his unit, identity of pursued vehicle, occupants, etc., direction of travel, reasons for pursuit and any other detail which will enable other officers in the area and the dispatcher to assist. In the case of a two-man car, the passenger should maintain radio contact.

B. A secondary unit should be designated by the dispatcher, or the nearest available unit should act as the secondary unit. No more than two units should be directly involved. Avoid caravanning a pursued vehicle. The second unit should maintain a safe distance behind the pursuing vehicle but be close enough to render backup assistance if and when required.

C. The dispatcher has the following responsibilities: receives and records all incoming information from the pursuing vehicle; advises other units of the pursuit; notifies shift supervisor; performs relevant records and CPIC checks; controls all radio communications during pursuit; may direct termination of pursuit when pursuit is terminated for whatever reason; notifies officer in charge of all details when pursuit is terminated for whatever reason.

D. The supervisor has the following responsibilities: monitors progress of pursuit; orders additional units to assist if necessary; orders alternative tactics, roadblocks, etc.; orders termination of pursuit if circumstances warrant; follow-up review of procedures to determine if the actions of the officers involved were in accordance with force policies; upon completion of the review and after the violator has been charged, the supervisor should approach the crown attorney to press for a more severe penalty because of the violator's flight from police to avoid apprehension.



E. A police officer should bear in mind the various circumstances which permit the use of his firearm.

The Police Act of Ontario specifies the conditions where a police officer may draw and discharge his firearm. They are: (a) for the defence of his life or the life of another; (b) to effect the apprehension, when other means are insufficient, of a person whom he, on reasonable or probable grounds, believes to be dangerous; (c) to destroy a potentially dangerous animal or one that is so badly injured that humanity requires its removal from further suffering; (d) to give an alarm or call assistance for an important purpose, when no other means can be used.

The Criminal Code of Canada permits the use of such force as is necessary to apprehend a person who may be arrested without warrant, if the person flees to avoid arrest. The most reasonable and least violent means must be used. A firearm may be used during a police pursuit, but only as a last resort and where there is reason to believe the person is dangerous.

The safety of innocent bystanders must be a major consideration when the police officer is intending to discharge his firearm at or from a moving vehicle. Also, the following factors must be weighed first: ricochets, the danger of a car out of control and the safety of any hostages. When a suspect is fleeing from the scene of a crime in a moving vehicle, or the officer is himself in a moving vehicle, it is best to attempt to apprehend the subject through the use of police communications and co-operative police work, rather than by shooting at the vehicle. Except in extreme cases, the firing of shots at or from a moving vehicle is prohibited.

F. The ramming of a pursued vehicle for the purpose of stopping it is discouraged. Ramming is the intentional contact or an overt move to make contact with the pursued vehicle by the pursuing vehicle, with a view to crowding or forcing it off the roadway and bringing it to a halt. Ramming is a very dangerous practice and is prohibited except in extreme cases.

#### IV When to abandon pursuit:

The pursuing officer must at all times use his best judgement in evaluating and re-evaluating the pursuit and make a continuous appraisal as to whether he should continue the pursuit. The element of personal challenge should never enter into his decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action.

An officer should discontinue a pursuit when: (1) he is exposing the public or himself to high risk or unnecessary danger; (2) continued pursuit is futile; (3) the offence is not grave and the identity of the violator is known; (4) the pursuing officer knows or is almost certain that the pursued vehicle is operated by a juvenile and the offence is not grave.

#### Conclusion:

A. It is difficult to describe exactly how a fleeing motorist can or should be apprehended, except to say that it must be done legally and safely. It is also difficult to list any particular traffic regulations that pursuing officers can or should not disregard. Likewise, one cannot set a safe, maximum pursuit speed or in all cases specify the maximum number of police vehicles that can be involved. Each individual pursuit has unique aspects. The pursuing officer, in a short period of time, will have to use his own judgement; collect his total resources, including his training and experience; bear in mind the policy, procedure and direction outlined in this guideline; and apply them collectively to the existing circumstances. If the officer feels certain that his "pursuit" is justified according to the established criteria and it can be performed in relative safety, he should continue with intent to apprehend the suspect, all the while mindful of the safety of all concerned. Officers can never be indifferent to the safety of the public.

B. The Highway Traffic Act was amended, effective December 18, 1981, by adding a new section 189a. The provision requires a mandatory three-year suspension of the driver's licence of anyone who willfully engages police in a high-speed pursuit.

This provision should be used in all appropriate cases.

#### Ontario Provincial Police

##### High-speed pursuit policy:

The responsibility for the decision to pursue and the methods to be employed during "fresh pursuit" rests with the individual officer. In arriving at the decision, he must carefully consider all factors involved, including the seriousness of the offence, all possible consequences, and most important, the safety of citizens whose protection is his major objective.

The law permits officers who are engaged in high-speed pursuit to exceed the speed limit (paragraph 109(12)(b) of the Highway Traffic Act). Where other stipulations of the Highway Traffic Act (including the rules of the road) are



concerned, they should be ignored only where the pursuing officer has determined that he may do so without risking the safety of other road users, be they pedestrians or otherwise. In every case, all reasonable precautions should be taken, including the employment of flashing lights and sirens.

Even though the officer is legally engaged in a high-speed pursuit, he is neither relieved of his duty to drive with "due regard" for the safety of all persons nor protected from the consequences of any reckless disregard for their safety. He must exercise that degree of care which a reasonably prudent man in the discharge of similar duties and under like circumstances would use. It is understood that the officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, but it is his duty to avoid contributing to the danger already created by the violating motorist.

When attempting to stop a violator who has not yet begun to flee, the pursuing officer should keep in mind personal safety and try everything within his power without resorting to a high-speed chase. It should be remembered that some individuals enjoy being chased by the police solely for the suspense and excitement that the experience may yield.

#### Procedures for "fresh pursuit":

When engaged in "fresh pursuit," the pursuing officer should remember that the sooner the subject is stopped or apprehended, the less the opportunity for an accident. When safe to do so, the pursuing officer shall maintain communication with the dispatcher, relaying information such as the identity of his unit, location, direction of travel, exact reason for pursuit, and other details which will enable the other officers in the area, as well as the dispatcher, to assist.

While the pursuit officer is transmitting information to the dispatcher and/or to other units, he must keep his voice as normal and coherent as possible and not shout. In the case of a two-man patrol car, the passenger could handle the radio transmissions. Units that have prisoners, witnesses, suspects or complainants aboard shall not become engaged in pursuit situations.

Units responding to assist could concentrate on covering the streets or roads parallel to the one the pursuit is on, thus creating a "boxing-in" effect which will, hopefully, if not capture, at least discourage the violator from continuing his flight. This technique is also advantageous in the event the violator is able to elude the immediate pursuit vehicle or in case the violator abandons

his vehicle and flees on foot. The pursuit officer should, before giving foot pursuit, notify the dispatcher of his location, remove his ignition keys and quickly check the violator's vehicle for other occupants who may have hidden.

To the fullest extent possible, detailed description of the car, licence number and occupants should be obtained and broadcast. Even a partial licence number is a valuable aid in quick identification. (In some cases, the licence number could be obtained while following the motorist preparatory to directing him to stop). If at all possible, the officer should note the licence number (on his clipboard, dash pad). These notes are valuable in the event the subject is able to avoid immediate arrest.

During pursuit, a safe distance shall be maintained between both cars, enabling the pursuing officer to duplicate any sudden turn and lessen the possibility of a collision in the event of a sudden stop. Depending on the pursuing officer's assessment of the situation, the type of violation and known information about the occupants, he may, as a last resort, cut the violator off with the police vehicle. This tactic is to be used only where the violation is serious and the pursuit continuing.

In the event a pursuit is initiated by an officer on a two-wheel motorcycle, the pursuing motorcycle member shall abandon his position when a four-wheel vehicle (patrol car) has joined in the pursuit. The motorcycle officer shall then proceed as quickly as possible with reduced speed to the termination point.

When a force helicopter or fixed-wing aircraft is readily available in the area and has visual contact with the pursued vehicle, the primary pursuit vehicle should allow the helicopter or fixed-wing aircraft to continue surveillance of the suspect and assume the responsibility of directing the ground units so as to apprehend the suspect without the dangers involved in pursuit.

Because of the potential dangers involved, the pursuing officer should carefully weigh all the probable consequences before pulling alongside a fleeing motorist in an attempt to force the subject into a ditch, curb, parked car or any other obstacle. It should be noted that if this occurred on a four-lane highway, the danger of sideswipe collision would be increased, and the opportunity for escape would become greater through quick application of the brakes and a sudden turn by the violator. In each case, an officer must be sensitive to the public's reaction. This means that in all cases, he must operate his vehicle in a manner that shows consideration for his own

safety, the safety of the violator whom he seeks to apprehend, and above all, the safety of others who may be using the roadway. Because of the many handicaps he encounters, the pursuit officer must recognize and accept the fact that he will not be able to successfully apprehend every motorist he decides to stop.

#### Use of firearms in "fresh pursuit":

It is the policy of the force that each officer shall use only the minimum amount of force which is consistent with the accomplishment of his mission and shall exhaust every other reasonable means of apprehension or defence before resorting to the use of firearms.

An officer is justified in firing at or from a moving vehicle during "fresh pursuit" only: (i) for the defence of his life or the life of another; (ii) to effect the apprehension, when other means are insufficient, of a person whom he, on reasonable or probable grounds, believes to be dangerous.

In addition, the Criminal Code of Canada permits the use of such force as is necessary to apprehend a person who may be arrested without warrant, if the person flees to avoid arrest. This permits the use of a firearm only as a last resort and provided that the lives of innocent persons will not be endangered if the officer uses his firearms.

(Note: These criteria would preclude the use of the service revolver to apprehend persons suspected of committing summary conviction offences.)

The safety of innocent bystanders is to be the primary factor considered by a police officer in his determination to discharge a firearm at or from a moving vehicle, and the following series of factors must be weighed first: ricochets, danger of a car out of control and the safety of any hostages or passengers.

When the suspect is fleeing from the scene of a crime in a moving vehicle, or the officer is himself in a moving vehicle, it is best to attempt to apprehend the subject through the use of police communications media and co-operative police work, rather than by shooting at the vehicle. Except in the most extreme cases, shots fired at or from a moving vehicle are to be avoided.

#### Use of roadblocks in "fresh pursuit":

Because of the extreme and obvious dangers inherent in the use of roadblocks in pursuit situations, it is the policy of this force that setting up roadblocks for the purpose of apprehending wanted suspects shall not be employed when it is apparent that innocent persons would be endangered.

When readily available and time permits, the guidance of a supervisor should be sought before attempting an apprehension through the use of any type of roadblock. In those instances where a roadblock appears to be the only method of apprehending the fleeing driver, consideration may be given to implementing a "moving roadblock" at a reasonable distance well in advance of the pursued vehicle. Careful assessment of the situation, the time, the rate of speed, the location, other traffic, etc., should assist the officer and/or supervisor in reaching a decision as to the most effective way of stopping the vehicle, thereby terminating the pursuit.

#### When to abandon pursuit:

The pursuing officer must at all times use his best judgement in evaluating the chase and make a continuous appraisal of it in deciding whether he should continue the pursuit. Never should the element of any personal challenge to the officer enter into his decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action.

It is difficult to describe exactly how a fleeing motorist can or should be apprehended, except that it must be done legally and safely. It is also impossible to list any particular traffic regulations that pursuing officers should or should not disregard. Likewise, one cannot set a safe, maximum pursuit speed or designate the limit of the number of police vehicles involved. Each individual chase is unique. The pursuing officer, in a short period of time, will have to use his own judgement; this involves collecting his total resources, bearing in mind the policy, procedures and guidelines outlined in this issuance and applying them collectively to the existing circumstances.

If the officer feels certain that his "fresh pursuit" is justified according to the established criteria and it can be performed safely, he should continue it with the intention of apprehending the suspect, but only while exercising due regard for the safety of all concerned. Officers should never be indifferent to the safety of the public, and every endeavour should be made to handle high-speed pursuits with such care and finesse that they can rationally be justified as a help and not a hazard to highway safety.

#### OPP TELECOMMUNICATIONS SYSTEM

**406. Mr. Sterling:** Would the Solicitor General provide a documented explanation of the tremendous increase in costs of the telecommuni-



cations system being developed for the Ontario Provincial Police? [Tabled October 21, 1986]

**Hon. Mr. Keyes:** This matter was dealt with substantially before the standing committee on public accounts on Thursday, March 1, 1984, when Deputy Solicitor General R. M. McLeod and General Manager D. Scott Campbell and Police Liaison Officer Earl F. Gibson of the OPP telecommunications project appeared and gave the following information:

"The question that has been raised here is why there has been a major increase in cost estimates. It is primarily because there was not sufficient engineering and design work done prior to the \$24.4 million estimate being established."

More specifically, the escalation in costs is attributed to: insufficient time allocated to perform detailed engineering to ensure a more accurate estimate; lack of appropriate financial, administrative and managerial controls; lack of appropriate management of the responsible engineer's technical expertise in connection with his estimate submission of 1980.

An example of the impact of this insufficient design: The 1979 estimate was based on the fact that adequate mobile radio coverage could be attained from 70 tower sites. After detailed propagation studies were completed, it was determined that 144 tower sites were required. Each tower site involves land acquisition, survey costs, a tower, civil works, base building, standby power, mobile radio equipment and link system equipment, resulting in a very significant increase.

#### PUBLICATION COSTS

**450. Mr. Runciman:** Would the Minister of Consumer and Commercial Relations provide documentation indicating the total number of printed copies of the 1987-88 Consumer Tips calendar, to whom they were distributed, how they were distributed, the cost per copy, and the total cost of production and distribution? [Tabled October 30, 1986]

**Hon. Mr. Kwinter:** Three thousand copies each of the 1987-88 Consumer Tips calendar were printed in English and French. The total cost for design, typesetting, printing, artwork, translation and stuffing mailing tubes amounted to \$21,770. The unit cost of these calendars is \$3.62.

One hundred and twenty-five copies of these calendars were sent to members of the Ontario Legislature and 65 copies to members of the Ontario Legislature press gallery. As well, copies of these calendars were sent to community

educators, community information centres, consumer groups, boards of education, credit counselling agencies, constituency offices and certain public information offices.

The calendar is intended for use in teaching and as an aid at consumer education outreach seminars and workshops. Copies of the calendar are also sent out with orders for educational material from consumer education or law teachers. The calendars are also distributed at relevant educational conferences, subject to availability.

As the calendars are sent out with other educational materials, separate distribution costs are not available. Distribution of these calendars began in August 1986 and is expected to continue until January 1987.

#### SMOKING IN CORRECTIONAL INSTITUTIONS

**452. Mr. Sterling:** Would the Minister of Correctional Services indicate the degree of accessibility to tobacco in provincial institutions under his ministry? Is tobacco given to inmates free or as payment for work? [Tabled November 4, 1986]

**Hon. Mr. Keyes:** All inmates in provincial institutions may be permitted to purchase the following once a week, provided they have sufficient funds: (a) 200 cigarettes; or (b) three packages of cigarette tobacco and papers; or (c) three packages of pipe tobacco; or (d) 25 cigars.

A task force has been established to review the present ministry policy regarding tobacco. Its report is expected by the end of November.

With regard to the question as to free issuance of tobacco, please see the following excerpts from the present policy:

"On admission to a correctional centre, an inmate will be issued with three packages of tobacco and papers during his first week at the institution, prior to receiving his incentive allowance, which will subsequently permit him to purchase tobacco or cigarettes through the institution canteen.

"Any inmate of a jail or detention centre who is not in a position to purchase tobacco products may be provided with a free issue, not exceeding three packages of tobacco and three packs of paper per week."

Under no circumstances is tobacco provided directly as payment for work performed.

**453. Mr. Sterling:** Would the Minister of Correctional Services provide the ministry policy with regard to smoking tobacco in provincial institutions? What educational programs current-



ly exist to warn inmates as to the ill effects of smoking tobacco? [Tabled November 4, 1986]

**Hon. Mr. Keyes:** The issue of smoking tobacco in provincial correctional institutions is currently under review by a ministry task force which will be developing a policy for adult offenders, young offenders and staff. This policy will be in keeping with the findings of a working committee on smoking which is developing a policy for the government of Ontario.

The ministry's Manual of Standards and Procedures states that staff members "shall not smoke on duty, except at times and in areas designated by the superintendent." Guidelines for staff and inmates that are currently in place vary somewhat from institution to institution depending on the physical layout and types of programs at the facilities. They include restrictions on smoking in the food preparation areas of kitchens and in the dining and visiting areas in some institutions.

Health care and recreation staff at various institutions provide counselling and information to inmates concerning the hazards of smoking. Information is also made available from such organizations as the Canadian Lung Association and the Canadian Cancer Society. For example, health care staff at the Ontario Correctional Institute, Brampton, conduct seminars for inmates on the ill effects of smoking, and the Peel Lung Association has provided educational programs.

In addition to reviewing current practices and procedures and educational programs relating to smoking in Ontario institutions, the ministry task force is examining policies in other correctional jurisdictions. The task force report containing its recommendations is expected early in the new year.

#### HAZARDOUS WASTES

**456. Mrs. Grier:** Would the Minister of the Environment please indicate the number of producers of hazardous industrial wastes who have registered with the ministry pursuant to regulation 309 under the Environmental Protection Act, in the following jurisdictions: (i) the electoral constituency of Lakeshore; (ii) the municipality of Metropolitan Toronto? [Tabled November 13, 1986]

**Hon. Mr. Bradley:** The registration of generators of subject waste under regulation 309 is a program which is now being implemented. To facilitate the movement of waste in the province, temporary acknowledgements were issued to those generators whose registration

forms could not be fully acknowledged prior to the regulatory deadline of September 17, 1986, after a review of the forms to ensure that the required information was included. In addition, the current computer databases for generators registering under regulation 309 consist of generators of all subject waste (both hazardous and liquid industrial waste) and not just hazardous waste as posed in the question.

The ministry is not in a position to break out the hazardous waste component from the total subject waste until the registration program is complete and final acknowledgements are sent. Therefore, the number of generators provided in this response is higher than what is anticipated the actual number of generators of hazardous waste will be.

The Ministry of the Environment's computer database is not coded by electoral constituency. The closest distinction made concerning geographical area is by municipality. Therefore, the ministry is not in a position to provide the number of generators in the electoral constituency of Lakeshore. However, for the city of Etobicoke, as of November 20, 1986, the number of generators that have been fully acknowledged is 168. The number of generators that have received temporary acknowledgement is 136. The total for the city of Etobicoke is 304. If desired, a complete printout of the generators for the entire municipality where the constituency is located, can be made available.

As of November 20, 1986, the number of generators that have been fully acknowledged by the Ministry of the Environment in the municipality of Metropolitan Toronto is 813. The number of generators that have received temporary acknowledgement is 845. The total for the municipality of Metropolitan Toronto is 1,658.

#### INTERIM ANSWERS

**403. Mr. Sterling:** Hon. Mr. Elston—Additional time is required to respond to this question. A final answer will be available for tabling on or about December 11, 1986.

**447. Mr. Reville:** Hon. Mr. Wrye—Additional time is required to respond to this question. A final answer will be available for tabling on or about January 15, 1987.

**488. Mr. Martel:** Hon. Mr. Wrye—Additional time is required to respond to this question. A final answer will be available for tabling on or about January 15, 1987.

**497. Ms. Fish:** Hon. Mr. Bradley—Additional time is required to respond to this question. A

final answer will be available for tabling on or about December 15, 1986.

**499. Mr. Guindon:** Hon. Mr. Peterson—The Ministry of Intergovernmental Affairs will require additional time to prepare the response to this question, as travel expense claims for trips in November will not be cleared until late December or early January. An answer will be tabled on or about January 30, 1987.

## RESPONSES TO PETITIONS

### SALE OF PULP MILL

Sessional paper 205, re sale of Abitibi-Price Inc. bleached kraft pulp and stud mills at Smooth Rock Falls.

**Hon. Mr. Kerrio:** The crown timber licence associated with Abitibi's Smooth Rock Falls mill was originally granted to provide a secure supply of timber for this mill. To ensure the continued integrity of this mill and its timber supply, the transfer of the licence to Waferboard Corp. will be subject to the following conditions: (1) wood from the licence area will be processed at Smooth Rock Falls or at other existing or future mills in the vicinity; and (2) if wood from the licence area is processed outside the area, then an equal volume of fibre must be made available for use at the Smooth Rock Falls pulp mill.

These conditions will provide security of timber supply for Smooth Rock Falls while

providing an opportunity to increase the wood chip usage at the pulp mill thus making this operation more efficient and cost competitive.

### BEAR HUNTING

Sessional paper 204, re use of dogs in hunting bears.

**Hon. Mr. Kerrio:** The black bear program has been reviewed and the following have been proposed:

1. The use of dogs in spring bear hunts will be restricted to April 15 to May 15, with the exception of wildlife management units 61 to 75 and 83, where residents using dogs will be allowed to hunt during the period of May 15 to June 15.

2. Dogs will be required to wear identification collars with hunter's name, address and licence number.

3. A dog, on a leash and under the control of a hunter, may be used to track a wounded bear.

At present, a hunting licence does not give hunters the right to enter private lands if permission is not asked or if the land is posted.

We are also proposing that nonresident hunters hunt through the tourist industry. This will likely further control dog hunters, as many outfitters do not cater to bear hunters using dogs and the majority of bear hunters using dogs in the spring are nonresidents of Ontario.

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**SPEAKERS IN THIS ISSUE**

Ashe, G. L. (Durham West PC)  
Bradley, Hon. J. J., Minister of the Environment (St. Catharines L)  
Braeugh, M. J. (Oshawa NDP)  
Callahan, R. V. (Brampton L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Davis, W. C. (Scarborough Centre PC)  
Eakins, Hon. J. F., Minister of Tourism and Recreation (Victoria-Haliburton L)  
Edighoffer, Hon. H. A., Speaker (Perth L)  
Elston, Hon. M. J., Minister of Health (Huron-Bruce L)  
Fish, S. A. (St. George PC)  
Gillies, P. A. (Brantford PC)  
Grandmaitre, Hon. B. C., Minister of Municipal Affairs (Ottawa East L)  
Gregory, M. E. C. (Mississauga East PC)  
Grier, R. A. (Lakeshore NDP)  
Grossman, L. S. (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Harris, M. D. (Nipissing PC)  
Hayes, P. (Essex North NDP)  
Jackson, C. (Burlington South PC)  
Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
Kwinter, Hon. M., Minister of Consumer and Commercial Relations and Minister of Financial Institutions (Wilson Heights L)  
Marland, M. (Mississauga South PC)  
Martel, E. W. (Sudbury East NDP)  
McCague, G. R. (Dufferin-Simcoe PC)  
McFadden, D. J. (Eglinton PC)  
McGuigan, J. F. (Kent-Elgin L)  
Morin, G. E., Deputy Chairman of the Committees of the Whole House and Acting Speaker (Carleton East L)  
Munro, Hon. L. O., Minister of Citizenship and Culture (Hamilton Centre L)  
Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
O'Connor, T. P. (Oakville PC)  
O'Neil, Hon. H. P., Minister of Industry, Trade and Technology (Quinte L)  
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Sterling, N. W. (Carleton-Grenville PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
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Wildman, B. (Algoma NDP)  
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No. 77

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**

Tuesday, December 9, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 9, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### ROSE BOWL PARADE

**Mr. Jackson:** During the holiday season, I invite all Ontarians to enjoy with pride the Tournament of Roses parade on January 1. For the first time in pageant history, the lead band will not be the United States Marines. This year 245 talented young people from Burlington, Ontario, the Burlington Teen Tour Band, will lead America's most famous parade.

This is the third trip the band has made to the Rose Bowl parade and it is a tribute to the abilities of these young people and the reputation they have earned as the band enters its 40th year.

Since the band was formed in 1947 by the city's chamber of commerce, the Teen Tour Band has toured extensively throughout the world, including the United States, England, France, Holland and West Germany. Band members have won acclaim for their ability and for being goodwill ambassadors wherever they have gone. This is Canada's largest marching band. It is now a part of the music program of the city's recreation department, the only one of its kind in the country.

Virtually all the band's budget, sometimes \$500,000 a year, is raised through performance fees; the Band Boosters, a group of interested and involved Burlington residents; and the band members themselves.

These young people, all between the ages of 13 and 21, are a tribute to the excellence of Ontario's youth as well as to the musical direction of Don Allan, marching director Robert Garnier and drum line instructor Lorne Ferrazutti.

It is with great pride that I invite all members of this assembly to show our admiration and respect for, and to offer our best wishes to, the Burlington Teen Tour Band.

### PEEL CHILDREN'S CENTRE

**Mr. R. F. Johnston:** About six months ago, families that had their children in Charlestown, a home for mentally retarded kids with behavioural

problems in the Peel region, found that the centre had been turned over to another organization. They had great hopes that the same kind of care their children had been receiving would continue.

Recently, there has been very troubling information about the status of the programs there and the standards being undertaken in the home. As recently as just a few weeks ago, a 16-year-old was taken from there to Penetanguishene in a straitjacket and the parents only found out about it a day and a bit later. There have been increasing acts of violence in the home.

Many parents who have been here today picketing outside in the rain have noted there has been a regression in their children's behaviour and they have been unable to meet with the Minister of Community and Social Services (Mr. Sweeney).

It is my request—and I have written this to the minister already, but I believe there is new evidence—that the minister, first, should meet with these parents immediately and discuss what is going on with their kids. Second, we need an independent inquiry into what is going on in that home and a report within a month, so that we can be sure the Peel Children's Centre is doing the work we would want done for those children.

The kinds of examples we have been given today by those parents who came to visit me in my office are very, very frightening, and I ask the minister to take the complaints of the parents much more seriously.

### OWEN SOUND ANNIVERSARY

**Mr. Sargent:** Every member of the House is very proud of his home town. My home town is Owen Sound, "the scenic city of Canada," the most beautiful city in Canada. In 1987, we are celebrating our 100th anniversary, Homecoming '87. Part of the celebration is that we are giving out \$3 bills as legal tender. I have sent one to the Premier (Mr. Peterson), one to the Leader of the Opposition (Mr. Grossman) and one to the leader of the third party.

**Mr. Pollock:** What about the rest of us?

**Mr. Sargent:** Okay. They will be available at \$3 a shot. They are legal tender, acceptable by



any bank in Owen Sound. I hope I will not be charged by the opposition with passing counterfeit money.

### INSURANCE INDUSTRY

**Mr. Gordon:** I have a statement I would like to address to the Minister of Financial Institutions (Mr. Kwinter). It would appear that what the Slater task force on insurance is recommending is nothing more than a revised edition of an existing provincial no-fault insurance policy called the Workers' Compensation Board. Workers' Compensation Board policy does not establish liability or indict any one person or party. Similarly, Mr. Slater's proposed insurance scheme is also based on the no-fault system, absolving anyone of liability.

Again, Mr. Slater is suggesting that injured parties be awarded a pension, a proposal identical to the current practice of the compensation board. He does not make any provision for lump sum payments to accident victims, which again reflects the Workers' Compensation Board policy.

Mr. Slater proposes eliminating court awards for pain and suffering, which once again reflects the policies already in existence at the Workers' Compensation Board. The set rate of compensation urged by the task force is a replica of that used by the WCB in determining awards.

Is the Minister of Financial Institutions trying to tell us he intends to subject the people of this province to what amounts to a second Workers' Compensation Board?

### PAWNSHOP PRACTICES

**Mr. Mackenzie:** I recently had a constituent come to me who has a problem with the poor people's bank, pawnshops in our community. The complaint that is raised is that after a house robbery, the recovery of some of the goods in the pawnshop required this particular lady not only to pay for the items but also to pay a handling charge on top of the cost that had been paid for the items.

She raises, I think quite rightly, the question that if you purchase something in all honesty that turns out to be a hot item, that item is seized and you can even be charged. However, if your own jewellery, some of it with sentimental value, is stolen and is subsequently found, you are going to have to pay to get it back and also pay a handling charge on it.

Her investigations at the time also indicated that very little hard identification is required in most of the pawnshops, certainly in our commu-

nity. In this case, the same person had pawned material three times over a short period without any ID, as the police investigation found out. She raises the question of more proper ID, and raises the question that certainly there should not be any handling charge on top of the actual cost for household items. It also appears there is a lot to be asked for in the way of the recordkeeping on the goods that actually are pawned.

I hope Ontario will decide to take a look at the regulations controlling pawnshops in our province.

### ONTARIO HIGHWAY TRANSPORT BOARD

**Mr. Villeneuve:** It has been brought to my attention that the Ontario Highway Transport Board has been holding hearings outside Ontario, even for applications that involve Ontario residents who intend to operate solely within the province.

Under such circumstances, I see no reason that the Ontario Highway Transport Board should be holding hearings in Hull, Quebec. There are facilities throughout eastern Ontario that could accommodate the Ontario Highway Transport Board. I cannot for a moment believe that the city of Ottawa would lack the necessary available space, particularly with completion of the new courthouse facilities.

Both the Minister of Transportation and Communications (Mr. Fulton), and the acting Minister of Government Services (Mr. Conway) should ensure that Ontario agencies hold their meetings in Ontario. Their failure to do so indicates carelessness at the least and outright negligence of responsibility in the worst case by the ministers involved.

The government should guarantee hearings inside Ontario by regulatory tribunals that meet to hear Ontario residents concerning matters that apply only to Ontario. This should have been a policy as a matter of course. It is a shame that attention must be drawn to such a basic principle of fairness, particularly when we have new courthouse facilities in Ontario in the city of Ottawa that are not being completed because it is said they will not be required.

### PROTECTION FOR HOME BUYERS

**Mr. Philip:** I am absolutely shocked at the statement by the Minister of Consumer and Commercial Relations (Mr. Kwinter) that he can do very little for the 40 home buyers who have been ripped off in a sweetheart contract by a builder in the Bolton area north of the riding I represent.

Why is the minister not prepared to meet with that builder and tell him this behaviour is unacceptable in Ontario? I ask him as the minister responsible for consumer affairs how he can allow a builder to design a sweetheart contract and to refuse any alterations by the would-be purchasers.

Why has he not designed a form contract that could be recommended for implementation to all builders and consumers to protect consumers? Why will he not meet with that builder and tell him to cease that kind of action and to sell the homes at the price that was originally agreed? Why will he not introduce legislation to protect my constituents and so many other people such as those 40 home buyers, who entered into a contract in good faith and have been ripped off by the builder? Why does the Minister of Consumer and Commercial Relations not act like a minister of consumer relations and not always like a minister of commercial relations on the part of the builders?

#### DEATH OF UNION LEADER

**Mr. Rae:** On a point of order, Mr. Speaker: I wonder whether the House will grant me the indulgence of saying a few words on the death of a good friend of many of us in the New Democratic Party, who was also an outstanding public servant in Ontario, Bud Clark, Canadian director of the Amalgamated Clothing and Textile Workers' Union, who died very suddenly and tragically in his home on Saturday. With the unanimous consent of the House, I would like permission to say a few words.

Agreed to.

**Mr. Rae:** Bud Clark was someone for whom all of us in the New Democratic Party had enormous affection. He died suddenly and tragically on Saturday night while attending an annual family party at his home in St. Catharines.

I want to say a few words about Bud because he made such an enormous contribution to the working people of this province. He came out of a plant in Brantford. He led a company association into the Textile Workers Union of America. He went on to become a business agent in Hamilton and then joined the staff of the international. He rose to become Canadian director of the textile workers and then led them into amalgamation with the clothing workers. He went on to become a vice-president of the Ontario Federation of Labour. He was vice-president of the international and sole Canadian director of his trade union.

He contributed an enormous amount to the political development of this province. He led and was involved in a great many famous battles for working people, such as the right to picket peacefully, the right to assemble peacefully, the defence of working people and the issues of health and safety that led him to be named a member of the Workers' Compensation Board after we changed the law recently. All of these things are an indication of the extraordinary possibilities that membership and leadership in the trade union movement give to those who seek service.

I have outlined very briefly some of the facts about Bud's life, but to talk about those gives a very inadequate sense of his personality. He was a big man in every sense of the word. He had a booming voice and a booming presence. He had a tremendous laugh, which all of us will remember for the rest of our days. He was an enormously joyous companion in political battles and in struggles on behalf of working people. He was a great friend. He was a good person to know. He was, as far as I am concerned, a terrific social democrat and a wonderful human being.

I want to take this opportunity, personally and on behalf of our party, to say to his wife June and his three kids how very sorry we are that Bud Clark is not with us any more. We feel deeply saddened at having lost him so early in life, when he still had so much to contribute. I know I will take with me the wishes of all the members of the Legislature when, together with many members of our caucus, I attend his funeral in St. Catharines tomorrow.

**Hon. Mr. Bradley:** We in the government likewise wish to extend to Bud Clark's family our deeply felt sympathy. As an individual residing in St. Catharines—I have had the opportunity to represent the area for about nine years now—I knew Bud for a number of those years and had to deal with him under some very difficult circumstances.

The leader of the third party has outlined his career. I never knew his name was Charles Clark until I looked at his obituary today, which is an indication that he was known to everybody as Bud Clark. He was a friend to everybody. He was a reasonable man for people to deal with. He had a very strong commitment to the labour union movement, particularly to those he represented, but he was also a reasonable and fair-minded individual who was looking at all times for an agreement for those he represented. He wanted a good agreement, but he was prepared to be honest at the bargaining table, to do the very best



for his workers and to sell a contract to his workers, those he represented, when he felt that contract would be useful and helpful to them.

In our community, he was well respected as well. His fame, if I can use that word, certainly goes beyond the borders of St. Catharines, so I do not say this in a parochial sense. We probably saw his truly human side come out when there were plant closings. We have had some tough times in our textile industry in Ontario during the past several years. We have had a number of plant closings. Bud Clark was always there to stand shoulder to shoulder with those who were losing their jobs, to attempt to get a reversal of a decision on the part of management and, if that were not possible, to get the best possible severance deal and placement of those workers.

The labour union movement, the workers of this province, the people of St. Catharines and, in a sense, speaking for our government, the people of Ontario, will miss Bud Clark and the contribution he was continuing to make right up to his untimely and sudden death. We extend to his family and his friends the heartfelt sympathy of all of us in this House.

**Mr. Gillies:** The official opposition would certainly like to associate itself with the remarks made by the leader of the New Democratic Party and the Minister of the Environment. I cannot remember when I first met Bud Clark, but suffice it to say it would have been many years ago, probably during an election campaign, and you can bet your life we were not working on the same campaign.

As has been said earlier, Bud Clark was very dedicated to his workers and to the union with which he was associated for so many years. He was also dedicated to the community. In my numerous meetings with him over the years, regardless of whether he agreed with one or not, he was a very agreeable person. He made a tremendous contribution and was, as the leader of the third party said, a big man in every way, certainly in terms of his very warm personality.

His contributions were numerous, including his long standing as a vice-president of the Ontario Federation of Labour and his long standing within his own trade union, the Amalgamated Clothing and Textile Workers Union, and its predecessor unions. That activity started in Brantford. He leaves relatives in my community; in fact, I understand he was attending a family gathering in Brantford when he took ill on the weekend. He also leaves many friends in my community. We will miss him.

He was re-elected to his office in the OFL just two weeks ago. He was continuing to serve our province as a member of the Workers' Compensation Board. I guess it was typical of Bud Clark that he was a fighter right to the end. I will miss him personally. We all miss him and can only give our very sincere sympathies to June Clark and their three children and recognize today as legislators the life and career of a very fine man indeed.

**Mr. Speaker:** Following your words of sympathy, I will make certain a copy of this Hansard goes to the Clark family.

**15:51**

## STATEMENT BY THE MINISTRY AND RESPONSES

### PENSION BENEFITS LEGISLATION

**Hon. Mr. Kwinter:** I wish to make a statement in connection with my responsibilities as Minister of Financial Institutions. I am pleased to inform the House that today I will introduce for first reading the Pension Benefits Act. The purpose of my statement is to outline for the members key decisions by this government related to pension policy.

First and foremost are the many important and welcome reforms for pension plans.

Second is the announcement of our commitment to inflation protection in pensions, and to that end, the establishment of a three-person working group to recommend the best mechanism and formula for inflation protection, keeping in mind the cost impact on plan sponsors.

Third is the announcement of an immediate moratorium on withdrawals of surplus funds in ongoing plans until the report of the working group is delivered and mandatory inflation protection is implemented.

Ontario has developed a package of reforms for pensions based on the federal-provincial majority consensus. This legislation will be of major significance to the retirement future of citizens of this province. The key elements of consensus, all of which are reflected in our proposed legislation, include the following:

Full-time employees will be eligible to join their pension plan after two years of service, regardless of their age.

Part-time employees will be eligible to join after two years of service if they have earned at least 35 per cent of the Canada pension plan's "year's maximum pensionable earnings" for two consecutive years.



Benefits accruing after the effective date of the legislation will be vested and locked in after two years' membership in a pension plan, irrespective of age. This replaces the current "45 and 10" rule.

Employers will be required to fund, at termination, retirement or death, at least one half of a member's benefit accrued after the effective date of the legislation.

Provision has also been made for prescribed rates of interest on employee contributions on termination. This will ensure that plan members will benefit from investment earnings.

To permit early retirement, greater flexibility is afforded those employees within 10 years of normal retirement date.

Portability of pensions will allow those workers who change jobs to carry their pensions with them.

Post-retirement and pre-retirement survivor benefits have been assured. This will be of particular significance to women.

Pension plans will preclude discrimination on the basis of sex with respect to benefits or contributions.

Plan members will have the right to reasonable and regular access to information respecting their benefits and obligations under their plan.

This bill is the result of widespread consultation, not only with governments across Canada but also with plan members, sponsors and industry. We have considered the thoughtful responses received and have made changes to improve the pension legislation that will govern Ontario's 10,500 pension plans.

I assure members that this government has also given very serious consideration to the issues of surplus withdrawal and inflation protection.

I would now like to address the issue of mandatory inflation protection. As members are aware, the absence of support for inflation protection in the package of reforms agreed to by the federal and provincial governments is something with which this government has never been comfortable. I wish to take this opportunity to reaffirm our strong commitment to introduce mandatory inflation protection in the context of our pension legislation.

Ontario is the first province in Canada to commit to taking action on inflation protection for pensions. Therefore, we have a special duty to ensure that the direction given for implementation is well reasoned and effective. We want to know and weigh all the possible approaches and the costs and impacts on plan members and sponsors.

To that end, as I mentioned earlier, we have already taken steps to establish an external working group to determine the most appropriate formula and phase-in procedures for inflation protection. The members of this important group are, as chairman, Martin Friedland, professor of law at the University of Toronto and a fellow of the Canadian Institute for Advanced Research, along with E. Sydney Jackson, chairman and chief executive officer of Manufacturers Life Insurance Co., and Cliff Pilkey, immediate past president of the Ontario Federation of Labour.

They will consider the following factors: the needs of employees to have retirement income protected from the effect of inflation; the needs of employers to have finite and affordable pension costs; the importance of maintaining and expanding the private pension system and, in particular, defined benefit plans; the impact of any formula on active employees, existing pensioners and deferred pensioners; the formulas and recommendations contained in previous pension studies relating to inflation protection from Canadian jurisdictions; initiatives studied by other jurisdictions and any formulas currently used in pension plans; the relationship between inflation protection and other pension reform items or issues in the Pension Benefits Act, 1986, such as the 50 per cent employer cost, treatment of surplus, portability and vesting; the appropriate phase-in and implementation period for inflation protection, and the appropriate time period to be provided to plan sponsors to fully fund inflation protection.

As I announced at the beginning of this statement, a moratorium will be placed on the withdrawal of surplus funds from ongoing pension plans effective today. It will remain until the working group completes its report and our mandatory inflation protection program is in place.

The schedule of this House may preclude passage of the legislation by January 1, 1987, the target date for pension reform. It is still our intention to make as many provisions as are feasible effective on that date; however, certain provisions of the legislation which require greater lead time may be phased in. The pension commission will advise as to those reforms which should be phased in between January 1, 1987, and January 1, 1988. The Pension Benefits Act, 1986, will be amended to provide for varied effective dates.

Reform of the rules governing pensions will affect more than 1.8 million Ontarians. As the provincial demographic profile changes, retirees

will become an increasing proportion of the population. The provision of security for those retirement years is of major social and economic importance.

I urge the members to support the many important reforms represented in the proposed Pension Benefits Act, 1986.

I would also like to take this opportunity to draw members' attention to a regulation change under the current Pension Benefits Act which will ensure that a private pension plan bridging benefit or special allowance cannot be reduced because of recently announced changes to the Canada pension plan. The regulation is now in effect.

This new regulation reflects the government's belief that it would be unfair to have changes to Canada pension plan rules result in the reduction of bridging benefits, as this would yield a windfall gain to employers and a loss to employees.

**Mr. Runciman:** We welcome the introduction of the new Pension Benefits Act by the Minister of Financial Institutions, although after looking at it, we have to wonder why it took him 18 months to get it to this stage.

Our leader, the member for St. Andrew-St. Patrick (Mr. Grossman), a former Treasurer of this province, is one of the leading figures in this country in pursuing meaningful pension reform. Much of his hard work and dedication is reflected in the current government's initiative.

The thrust of the minister's pension reforms is to protect pension holders. However, there is another side to these reforms, and I am somewhat reassured by the fact that the minister's working group will be considering this area.

For example, these reforms could penalize employers who have played fair with their employees and provided pension plans. This cost increase will directly affect the profitability of these diligent employers. It will result in lower wage or salary increases for the employees, the very people these reforms are trying to help. Further, firms may cancel their pension plans altogether.

By 2020, 11 individuals under the age of 65 will be working to support every 10 persons over 65. The demands on pensions will far exceed the contributions. This problem could be aggravated by heavy withdrawals from pension funds by corporations seeking to use that money for other purposes.

As well as the initiatives the minister has announced today, the government should seriously consider encouraging Ontarians to explore

alternatives to pensions. Current federal tax deductions for retirement savings plans are far too restrictive, and the Treasurer (Mr. Nixon) might consider supplementing these deductions with deductions from provincial income tax.

Better yet, the Treasurer's counterparts in Ottawa might be encouraged to introduce tax reforms so that registered retirement savings plan contributions become tax deductible to the same extent as are the contributions to employers' pension plans. If this were combined with fair opting-out provisions, it could lead to more choices for Ontarians as they determine how to save for their futures in this era of an ever-ageing population.

We look forward to working with the government to ensure the fairest, most equitable and most realistic pension legislation for employees and employers in this province.

**Mr. McClellan:** I had hoped the Grossman line, which I do not think calls for alternatives to pensions, might have been forthcoming from my Tory colleagues; but you never know, I guess.

The statement is a masterpiece of managed news, of Orwellian doublespeak and of news manipulation. The press release says the minister is announcing the government's commitment to inflation protection in pension plans, but the government announced today it has no intention of providing inflation protection in the pension benefits reform legislation and has no intention of dealing with the question of surplus pension funds withdrawal in the legislation.

That is what the announcement was, but the minister has the effrontery to stand up and declare the exact opposite of what he is doing. He is not bringing in legislation to provide inflation protection; he is not bringing in legislation to put an end to surplus pension fund withdrawals. All he is doing—after 18 months in office, after a royal commission, after a select committee, after a federal royal commission, after a federal green paper, after a federal select committee and after four years of federal-provincial discussions—is setting up another task force. That is all he is doing.

After 18 months of laborious study, the best the minister can come up with is a task force. It is a cop-out and an insult. It is a reflection on his own incompetence. The workers of this province do not need another task force; they need legislation that provides, as of 1987, inflation protection and an end to the legalized theft of workers' deferred wages from pension funds. It is as simple as that.



**Mr. Runciman:** Why wasn't it in the accord?

**Mr. McClellan:** It was in the accord, and they once again found themselves unable to keep their own promise. They once again found themselves unable to honour their own commitments. The record is clear. The Liberal Party has no intention, when push comes to shove, of honouring commitments that were made to the workers of this province. They have betrayed them on this item, as they have on health and safety, on equal pay and on workers' compensation reform. They have been unable to deliver the promises they made to the workers of this province, and the people of this province will see through their phoney commitment to social reform.

**Mr. Rae:** I see smirks on the faces of the Minister of Financial Institutions and the Attorney General (Mr. Scott). We on this side of the House have become accustomed, if not totally inured, to that kind of smug arrogance when we look at government. When the Minister of Financial Institutions stands up in his place and says he is announcing a major commitment, it is to laugh. If he is laughing at his own joke, that is fine; but the joke will ultimately be on him and the Liberal Party. The people of this province can see through a government that is doing the opposite of what it is alleged to be doing.

When the big boys on Wall Street say, "Boo," the minister rolls over like a spaniel, gives them everything they want and says, "Scratch me again." But when the workers want pensions, he gives them a task force. It is not good enough, it is not satisfactory and it will not wash with the working people of this province. They have been waiting for inflation protection for decades. They thought they had it from the Liberal Party in 1981, in 1984 and in 1985. The minister has been misleading the people of this province with respect to pension reform and it is something for which he will ultimately pay.

**Mr. Speaker:** I know some members get a little carried away in their comments. The member for York South might want to reconsider the word "misleading," which he used.

**Mr. Rae:** On a point of order, Mr. Speaker: I will do whatever you ask me to do according to the rules of the House, but I said the minister was misleading the people of the province. I did not say he was misleading the House.

Interjections.

**Mr. Speaker:** Order. We always seem to have a little trouble with the waviness in the comments. As I said earlier, I wish the member

would reconsider the word he used. Will the member withdraw the word "misleading"?

**Mr. Rae:** I will do whatever you ask, Mr. Speaker. If you ask me to change the word, I will change it to "bamboozle," if that is satisfactory.

**Mr. Speaker:** I understand the member has withdrawn the word "misleading." Thank you.

14:09

## ORAL QUESTIONS

### PROTECTION FOR HOME BUYERS

**Mr. Runciman:** I am not sure how I should address the minister. Is "the minister of bamboozlement" appropriate?

**Mr. Speaker:** I think not.

**Mr. Runciman:** I have a question for the Minister of Consumer and Commercial Relations. About a month ago, the minister announced an eight-point plan that was supposed to protect home buyers from the problems being experienced all over this province. The minister's committee to study the problem, another committee of implementation, was supposed to report on December 5, but we have heard nothing yet. The minister now tells the press he will be unveiling a plan which, from all reports, is no different from the one announced last month.

Will the minister tell the House that he will bring in legislation to protect home buyers, or will he simply reannounce the toothless measures that only tell people they might get ripped off?

**Hon. Mr. Kwinter:** The member raises a question that has concerned all members of this House, the problem affecting people who are trying to get delivery of their new homes. We have been looking at it for some time. We are working with the industry. This is an industry-driven initiative. I have seen its proposal, and it will address most of the problems. I have said, and I will say again, it will not address all the problems, but the best defence any purchaser can have is to get good legal advice before he enters into a deal.

**Mr. O'Connor:** I wrote to this minister on March 12, 1986, predicting in my letter that unless he brought in legislation protecting new home buyers, with the rising house prices there would be incentives for the builders to try to cancel the deals and resell the contracts at significantly higher prices. Exactly that happened recently in the Markham situation, where I believe 44 people had their contracts cancelled and reoffered to them at \$15,000 to \$20,000 more. In light of this situation, which the minister has been aware of for all of this year,



will he now consider some legislation at least giving interest on the deposits of these people until closing dates?

**Hon. Mr. Kwinter:** The case the member raises is one that is still under investigation. There is no determination that there was anything illegal. I do not know this yet, because we have not completed the investigation. It may be unethical, it may be immoral, but we do not know whether it is illegal. Under our legislation, we cannot legislate ethics or morals. What I am suggesting is that when the provisions are brought forward within a week's time, they will address many of the concerns expressed by the member.

**Mr. O'Connor:** I have received literally dozens of letters from potential new home buyers in my riding, which I have forwarded to the minister, outlining the problems they are facing. As early as March 1986, I also outlined to him a simple four-point or five-point program to resolve most of the problems. He has completely sloughed aside any suggestion of legislation, even in the simplest form, such as the registration of the lots before selling them. Will the minister consider taking that simple step of requiring registration of the lots before they can be sold to a new home buyer?

**Hon. Mr. Kwinter:** As I mentioned yesterday, the previous government changed the Planning Act in 1983 to allow the selling of lots before registration. We are looking at that whole problem. When we address it, the member will see our response to it.

#### SUNDAY TRADING

**Mr. O'Connor:** I have a question for the Premier. Last week in the House, the Premier stood in his place and assured employees of this province that they would be protected from being required to work on Sundays. He said he would bring in legislation immediately if that were necessary.

We see in the *Globe and Mail* of this morning that the Premier has announced he has no intention whatsoever of bringing in legislation to protect workers who are required to work on Sundays. Will the Premier tell us the current position of the government with respect to this legislation?

**Hon. Mr. Peterson:** I did not see the press report this morning the member is referring to, but I said if it were necessary, we would bring it in. The position is quite clear.

**Mr. O'Connor:** Two years ago at Christmas, there were very few violations of the law. There

was general adherence to the law by the employers of this province. Last year a problem began to arise. At present, there have been more than 6,000 charges laid against employers for opening on Sundays. The Attorney General (Mr. Scott) has made it clear in another statement in the press today that he would not bring in legislation because, as he said, the Bay and Simpsons have decided to stay closed.

**Mr. Davis:** What about Loblaws and Miracle Mart? Why did the Attorney General not talk to them?

**Mr. O'Connor:** Is it the policy of the government that it has no intention of protecting anyone other than the Bay and Simpsons employees from the requirement to work on Sunday against their wishes?

**Hon. Mr. Peterson:** The policy of this government is very clear. We are waiting for the judgement of the Supreme Court of Canada. I am sure my honourable friend is familiar with that, as one who spends more time practising at the bar than he does in this House. Once we have clarification from the Supreme Court of Canada, we will deal with the matter.

**Mr. O'Connor:** We would like to know the policy of this government. The Premier says it is eminently clear. On the one hand, he says he is going to bring in legislation to protect employees. On the other hand, he says he is not going to bring in legislation. Yesterday the Attorney General was also quoted as saying he was going to leave to the municipalities as a local option whether there should be legislation within the municipalities to do this.

Will the Premier finally make a statement and tell us where he stands on this important point, as the law is being flagrantly violated every Sunday?

**Hon. Mr. Peterson:** The position of this government is extremely clear, and I am sorry it has been obscured and blurred for my friend opposite. He is probably misinterpreting his difficulties with his own leader on this issue and transposing that on to us. We are very clear. The law of the land stands and should be enforced.

If the member has trouble understanding his party's position, I can be very helpful in elucidating the matter. I have a number of quotations about how he wanted to change the policy, but the law stands. We will enforce the law, and that is where this government stands.

**Mr. Pope:** What is the law?

**Mr. Davis:** You do not enforce the law.

**Mr. Speaker:** Order. New question.

**Mr. Pope:** The Attorney General says one thing, the Minister of Labour (Mr. Wrye) says another and the Premier says a third thing. You are all over the map.

**Mr. Davis:** The Attorney General chastises Simpsons and the Bay and says nothing to Loblaws, Miracle Mart and Dominion.

**Mr. Speaker:** Order. The member for Scarborough Centre (Mr. Davis) will have his turn if he wishes at a later time.

#### PENSION BENEFITS LEGISLATION

**Mr. Rae:** Mr. Speaker, I have a question for the Premier arising out of the announcement about pension reform made today by his colleague the Minister of Financial Institutions (Mr. Kwinter). Since the Premier was on the select committee on pensions, he will no doubt be aware of the consensus of this House with respect to the indexing of benefits. He will know that Treasury officials have been saying in the years since the consensus was reached that there was no financial problem with respect to indexation. He will also know of the accord he signed, which states specifically that the government is committed to introducing the reforms as set out in the select committee which deal specifically with the question of indexation.

Can the Premier possibly justify why, in the one opportunity this House is going to have to discuss pension reform and to deal with pension legislation, the government missed the opportunity and deliberately put off to a task force a relatively simple, straightforward proposition, the idea that people's pensions should not be eaten up by inflation?

**Hon. Mr. Peterson:** I understand the position of my honourable friend on this matter and he understands mine. We want to proceed with the question. I do not want to be unkind, but some people I know have a tendency to oversimplify some very complicated matters. For the sake of a particular ideology, they are prepared to launch into a number of areas whose ramifications they do not completely understand. These people can stand up and make their speeches about it, and I understand all that.

However, it is like a lot of other matters we have to deal with in this House, such as equal pay, pay equity and other things. We have to think out carefully these things and all their ramifications—their effect on all the people of this province—develop a consensus and move forward. When we have that responsibility, the member has at least to respect the right of this

government to move carefully, to move intelligently and to develop a policy that is sensitive to all sides; and that is exactly what we are doing.

**Mr. Rae:** The Premier can patronize all he wants, but it is not simply the New Democratic Party that he is patronizing; it is the millions of workers who are being shafted because he is not interested in protecting them. They are ultimately the people whom he is insulting. They are ultimately those whom he is condescending to. Let us be very clear about that.

**Mr. Speaker:** Question.

**Mr. Rae:** The Premier says we know his position. I do not know the Premier's position. All I know is that when it comes to a basic matter of reform, he is stalling. He is stalling and he is denying workers something many executives have. When it comes to the securities field, he is prepared to roll over and give them what they want, but he is not going to do the same thing for the workers apparently.

Can the Premier confirm that it is the policy of the government that so-called surpluses, a concept—the Premier is correct; I have difficulty comprehending what a surplus is when we believe all the money in the fund belongs to the working people in this province—

**14:20**

**Mr. Speaker:** The question is?

**Mr. Rae:** Can he confirm it is the position of the government that inflation protection aside, surpluses belong to the employers and can be withdrawn by the employers once this freeze period is over?

**Hon. Mr. Peterson:** The minister was very clear on the matter. He said that there will be a freeze on any surplus withdrawals and that then we will look at the situation in the context of inflation protection.

I do not want to sound patronizing, and if anybody sounds that way, it is the honourable member. One of the problems with inflation protection is that the plans that do not have a surplus would be under different financial pressures from the ones that do have a surplus.

It is an easier question for the ones that have generated surpluses in the past because they are there. In a sense, if we just forced those funds to bring in inflation protection, we would punish the more successfully administered funds or the ones that have been oversubscribed. We have to investigate all aspects of this situation.

I think most fair-minded people who look at this would say it is a complicated issue from all sides. There is the question of contributions, the



question of inflation protection and the question of to what extent and who carries the liabilities.

Where I disagree with my friend opposite is that he would want to go load, load, load; charge, charge, charge; tax, tax, tax; and tax our province right out of competitive ability. Then he would be the first to stand up and squawk when business moved away.

**Mr. McClellan:** We do not need a lecture on responsibility from somebody who says one thing in a campaign and another thing from the Premier's office.

I am genuinely mystified by the level of incompetence the ministry has shown in this. The government has now been in office for 18 months. It made a commitment in May 1985 to pension reform that was based on and included inflation protection, and it understood that at the time. Why, during the past 18 months, has the government failed to come up with a single idea, a single proposal, a single concrete, specific legislative reform; and why is it now, in December 1986, appointing a task force to put the question off for another year?

**Hon. Mr. Peterson:** I understand my honourable friend's criticism. Generally, the criticism runs: "Why did you not do this yesterday? Why did you not do this before?" I remind my friend that we have had a very ambitious legislative schedule and have undertaken a great number of significant reforms. I also tell my friend opposite that it takes a considerable amount of understanding of the issue, consensus building and solving some of the real and practical problems that are attendant thereto.

To that end we have the help of highly respected people such as Cliff Pilkey, who understands the difficulty of this thing and who is prepared to help us in devising a policy that is affordable and, at the same time, will protect workers. That is exactly what we said we would do and it is what we will do.

**Mr. Rae:** The people of Ontario now know they should not have believed the Liberals back when they promised it before. Why should they possibly believe the Premier today?

**Mr. Speaker:** The Premier.

**Mr. Rae:** I want to ask the Premier—

**Mr. Speaker:** Is that not the question?

**Mr. Rae:** No, it is not.

#### CORPORATE CONCENTRATION

**Mr. Rae:** I would like to ask the Premier a question about a matter on the front page of the business news. It is announced that two compa-

nies, a United States giant, Shearson Lehman Brothers, and a company connected to the Bronfmans are buying into McLeod Young Weir, making McLeod Young Weir the biggest investment dealer on Bay Street.

It is not until one gets to the back page of the Report on Business that one discovers Shearson Lehman Brothers is now the subject of a major investigation by the Securities and Exchange Commission, which is investigating the possibility of illegal insider trading by officials of Shearson Lehman Brothers in a US\$470-million leveraged buyout of Sheller-Globe Corp. of Toledo, Ohio. Just what protection do the people of the province have in this Bay Street giveaway that the Premier's minister announced last Thursday?

**Hon. Mr. Peterson:** My honourable friend is starting to cotton on to all this inflated rhetoric, such "as Bay Street giveaway," "casino economy" and "wheel of fortune," and suggests there is something untoward about McLeod Young Weir here because of some Securities and Exchange Commission investigation in the US. I think his rhetoric on this matter is a little inflated.

As I understand it, that deal was moving ahead anyway. I think I am right in saying Shearson Lehman already owned 10 per cent of McLeod Young Weir under the previously announced policy and could move up to 30 per cent, which is something it has done. They have taken in additional Canadian capital through one of the Bronfman companies and have established a capital base, which I gather will make them the largest in Canada. It is a Canadian-controlled company, and they will be able to compete internationally for business. I understand that is what has transpired in the entire matter.

The member should stand up and celebrate that and say, "Here we are building Canadian companies with a capacity to compete internationally." Surely that is something of which the member should be proud.

[Applause]

**Mr. Rae:** Applaud. Please applaud him. I think that is terrific. If the members of the Liberal Party want to applaud corporate cannibalism and corporate irresponsibility, let them. Let them be seen doing that. Applaud again; it sounds terrific.

By way of supplementary, since I did not hear an answer to my question: I did not use inflated rhetoric, I referred to a giveaway, which is the only description a neutral observer could come up with in terms of what the government announced last week. I said, "What protection do Ontario consumers have when it is announced on



the back page"—we do not have Upstairs, Downstairs; we have front page, back page. On the front page, we have the takeovers announced and on the back page we have to find out who is going to jail.

Can the Premier tell us what protection the people of Ontario have from the kind of activities that are going on in the US and how we can be assured that these activities are not going to be imported directly into Canada?

**Hon. Mr. Peterson:** I assure the member that socialism will not be transported from some country into this country. Sometimes it sneaks across the borders and we have these problems.

We still have a Securities Act in this province and we still have an Ontario Securities Commission that is very highly respected right across this country and, indeed, internationally. It will enforce the rule pertaining to the securities industry against anyone who violates that. If the member has evidence that someone has violated that rule, please let us know and we will launch an investigation. I am sure my honourable friend, who has been legally trained, does not want to presume someone guilty before there is a trial. I assume my friend will take that point of view.

We have a Canadian company here protected by the Securities Act and by the Ontario Securities Commission, one of the most efficient regulatory bodies in this province and in this country. If the member has any suggestion that anything untoward is going on, please stand up and tell me and we will have it investigated.

**Mr. Rae:** Just so the Premier will understand precisely what I am saying, I am saying there is now no way in which this can be effectively controlled or effectively regulated. He has given up the ability to regulate and has said that anything goes. That is the problem and the issue.

Can the Premier tell us the policy of the government of Ontario with respect to the other partner brought into McLeod Young Weir, that is to say the Bronfman interest, the so-called Cemp company, which stands for Charles, Edgar, Mindel and Phyllis, the holding company for the children of Sam Bronfman? Is it the position of the government of Ontario that corporate concentration is a problem?

Why is he asking the standing committee on finance and economic affairs to discuss corporate and commercial concentration when, at the same time, his rules have just been totally thrown out the window by the minister on Thursday and the takeover of Bay Street by large Canadian financial institutions and holding companies such as Cemp is being encouraged?

**Hon. Mr. Peterson:** My honourable friend is unwittingly misleading himself and a lot of other people about what transpired. It is not a question of anything goes.

**Mr. McClellan:** Is that supposed to be parliamentary?

**Mr. Rae:** On a point of order, Mr. Speaker: Sauce for the goose is also sauce for the gander.

**14:30**

**Hon. Mr. Peterson:** I withdraw the word "misleading," Mr. Speaker, and I will substitute the word "bamboozle." The member is bamboozling himself and he is trying to bamboozle a lot of other people.

I understand that sort of inflated socialist rhetoric. It is the same kind of thing we heard 100 years ago from his predecessors. That is not what is happening in this province. We still have a Securities Act that will protect these people. It is not a question of anything goes; it is a question of building a world-class, competitive, financial sector in Toronto. We are not prepared to sit by and see this go.

My friend, who has been trained abroad, is oblivious to what is happening in the world, in Tokyo, Geneva, Zurich, London and New York. We have a choice: we are either going to participate in a big way or we are going to be swept out. We are not prepared to allow the latter to happen. The member's idyllic dream of what used to be is irrelevant in the world of 1986 and beyond, because his dream would take us backward, not forward.

**Mr. Pope:** It is funny the Premier did not say that 18 months ago. I have a question—

**M. Fontaine:** En français.

**M. Pope:** Vous avez un problème, Monsieur? Vous avez certainement un problème. Vous n'étiez pas ici pour le vote? Vous n'étiez pas ici.

#### ALCOHOL ON OPP BOAT

**Mr. Pope:** I have a question of the Attorney General. It arises out of the police investigation into the former Solicitor General, the member for Kingston and the Islands (Mr. Keyes). The last page of the report indicates the decision to lay charges against the member rests with the Attorney General and his office after a review of the police report.

The Attorney General indicated, with respect to Sunday shopping, that his role was not to instruct the police in the laying of charges; his role was not to become involved in an investigation into the laying of charges. Is the confusion of this police officer not understandable in view of

the fact that the Attorney General, in reality, went beyond his jurisdiction and interfered in what was essentially a police matter; a police matter at the time the offence occurred and a police matter at the time the matter became public? In retrospect, will he not agree that he had no business getting involved in an investigation with the police? Is that really following the process he indicated with respect to Sunday shopping?

**Hon. Mr. Scott:** I thank the Leader of the Opposition for his question, the Leader of the Opposition for Tuesday only, regrettably. Let me say that the member is quite wrong. The investigation was requested by me because there was pressure from, among others, the opposition party to have an investigation by the police.

We selected the Metropolitan Toronto Police to conduct that investigation rather than the Ontario Provincial Police, who would normally have done it, for obvious reasons. The police made their report and had the advantage of whatever legal advice they wanted from the crown law office as to the sufficiency of the charge. The police, acting on their own, then laid the information, as they are entitled and obliged to do if they have reasonable and probable grounds. That is the whole story from beginning to end.

**Mr. Pope:** Stan Richards, whom I represented at a compensation hearing before I arrived here, would be pleased to know the Attorney General's opinion of the involvement of members of the Legislature on these matters.

The fact of the matter is that the Attorney General inserted himself politically in something that was police business. It was beyond his jurisdiction. It is not the first time this Attorney General has intervened on a political basis in something he has no business as Attorney General being involved in.

Mary Eberts said on July 3 that the Attorney General, along with the counsel of the Liberal caucus, attended a meeting at which evidence was reviewed and information was exchanged with respect to the Caplan inquiry. He intervened on a political basis and asserted his right to address convocation on June 26, at which he misinformed them as to what was happening in the Legislature and the rules of procedure of this House. Will he not re-examine his conduct and stop the partisan interfering as Attorney General in something he has no business in?

**Hon. Mr. Scott:** As usual, it is easy for the member to make statements alleging abuse of office inside the privacy of this chamber. We will

see to what extent he stands behind his mouth elsewhere. The reality is—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** It will just be a question of time and we will see.

The honourable member knows, because he has had a full account of it, about the small role—I would not even call it a role—that I performed in connection with these special committees' work. I also exercised my right ex officio, along with my honourable friend, as a bencher of the Law Society of Upper Canada, to meet with the benchers to give them my assessment of the legislation that confronts this assembly, including the Conservative bill with respect to paralegals. I do not feel I did anything wrong in attending that. I am glad I did, and I think I gave an accurate and fair account. In any event, if I had not, I am sure the honourable member who was then present would have said something. He did not.

[Later]

**Mr. Pope:** On a point of order, Mr. Speaker: To correct the record from the Attorney General (Mr. Scott), I did address convocation after him. I did correct the impressions he left. I suggest the Attorney General read the minutes of convocation, the July 3 transcript, and reassess his position.

**Mr. Speaker:** That is not a point of order. It is a point of information, but if you wish to place a question, please place it.

#### DAY CARE

**Ms. Gigantes:** My question is to the Minister of Community and Social Services. I would like him to explain the peculiar position this government and his ministry are taking on child care. He knows he can provide, right now, operating grants and income testing for nonprofit centres, but he does not want to do anything, he tells us, until he can work out some kind of agreement with the federal government that is going to include the for-profit centres.

Can he explain to us why he is going to let tens of thousands of families wait while he works out some kind of deal with the federal government when he could be providing lower cost and greater accessibility than is going to be the case for tens of thousands of families who have their children in nonprofit day care centres?

**Hon. Mr. Sweeney:** I understand the honourable member is well aware of the fact that approximately half the licensed day care spaces



in this province are in the commercial sector. While she correctly says thousands of families have children in the nonprofit sector, she must also recognize there are equally thousands of families who have children in the commercial sector.

We are concerned about the rates being paid. We are concerned about the inability of low-middle-income parents to get any subsidies. We are concerned about the low wages being paid to day care workers. However, we are equally concerned with both the nonprofit sector and the commercial sector, and it would be quite inappropriate for us to send out the message that those problems will be resolved in only one half of the system and that no attempt will be made to resolve them in the other half.

**Ms. Gigantes:** What the minister is saying to us is: "I have one big problem. I can solve half of it, but I am not going to do so. I am going to solve the whole thing at once, and I am depending on the feds to do it." When he does that, he is underlining the commitment of this government to the commercial sector of day care.

I ask the minister to justify that position in the light of the fact that he told the day care lobby: "Future initiatives of this government with respect to day care are going to be in the noncommercial area. There is no question about that." There is some question about it today.

**Hon. Mr. Sweeney:** There are two distinct issues in the member's question, and the first one is our future intent. We have clearly indicated in the whole area of social services that in the future we are going to put more stress on the nonprofit sector than on the commercial sector. That is a fact; we have not changed that.

However, at the same time, the member knows that in many communities in this province a high proportion of spaces is available only in the commercial sector, and in some communities, even large ones such as Hamilton, 85 per cent of the spaces are available only in the commercial sector. We cannot turn our backs on those parents and those children who choose to use that option.

The member is also aware of the fact that all the ministers of social services will be meeting with the Honourable Jake Epp on January 26, and he has indicated to us that at that time he will give some sense of where the federal government is going. Subsequent to that meeting, we will make our own Ontario decisions on how we are going to deal with the situation, based upon that new information.

14:40

## IMMIGRANT SERVICES

**Mr. D. R. Cooke:** I have a question for the Minister of Citizenship and Culture. Many newcomers and many long-term immigrants to this province, particularly senior citizens and women, require interpreter services to access the government, especially in cases of emergency and, I might suggest, in dealing with social services. Does the government have any plans to train these interpreters and to provide them for those in our midst who are not comfortable in either English or French?

Interjections.

**Hon. Ms. Munro:** I think one of the first bodies that needs some help in interpretation is this Legislature; but I do not know whether it would qualify for any of our grants or programs.

None the less, translation and interpretation are among the crying needs of many of our multicultural communities, especially long-term immigrants approaching senior ages.

The ministry has a number of programs I am sure all members are aware of. We start by training community interpreters, which is becoming more and more a professional occupation. We also give dollars to official interpreter service organizations, and we are increasingly funding community groups that also pay for volunteers who do the interpreter training.

The ministry is very cognizant of the need for interpretation as a professional service, and we are providing services to other ministries. For example, we have a magazine called *New Beginnings*, which is our first signal to other ministries to take advantage not only of language translators within our ministry but also those within the community.

## UNEMPLOYMENT IN NORTHERN ONTARIO

**Mr. Pope:** I have a question for the Minister of Industry, Trade and Technology. Will the minister indicate to the Legislature the state of unemployment in northern Ontario, the problems of the resource sector and what he intends to do to help the workers in the industries of the north?

**Hon. Mr. O'Neil:** As has been mentioned on several occasions, we are not happy with the unemployment rate in northern Ontario. We want to see it come down, and we are working very hard to put in programs that will bring that unemployment rate down.

**Mr. Pope:** This minister said the same thing in the spring of 1986 and has done nothing about it



since then. The minister will know that the overall province-wide rate of layoffs declined by one per cent in 1986 from 1985, even though 1985 was significantly higher in layoffs, by 16.5 per cent, than 1984. He will also know that although the provincial average declined by one per cent, the layoff rate increased by 254 per cent in northwestern Ontario, by 47.9 per cent in northeastern Ontario and by three per cent in eastern Ontario.

There has been a significant increase in layoffs in northwestern, northeastern and eastern Ontario. The government has done nothing about it. When will it start helping the workers of these regions?

**Hon. Mr. O'Neil:** The member fails to state such facts as that there are 156,000 more people working in Ontario, that we have the lowest unemployment rate in all Canada and that we are working very hard.

Interjections.

**Mr. Speaker:** Order. The member for Algonoma would like to ask a question if the members will allow it.

#### HAZARDOUS SPILLS

**Mr. Wildman:** I have a question for the Minister of the Environment, who is consulting behind your chair, Mr. Speaker, if he will return to his seat.

[Applause]

**Mr. Wildman:** Note that only some applauded.

I would like the minister to explain why his ministry charges Ontario Hydro for a spill that is estimated at 8.8 grams of polychlorinated biphenyls into the sewers of this city, spills that have occurred at Gloucester Street and Adelaide Street, but at the same time does not charge Ontario Hydro for spilling thousands of times as much PCBs into the Mississagi River in northern Ontario.

**Hon. Mr. Bradley:** As the honourable member may know from previous answers I have given in the House, I as the minister do not instruct the investigations and enforcement branch to lay charges against any specific person who is in violation. It has a blanket authority from me to investigate all these matters, regardless of where they are in the province and regardless of whether they are in the public sector or the private sector.

When the investigations and enforcement branch has gathered sufficient evidence that may be used in a trial, it then proceeds with the laying of

charges and the establishing of a court date, along with the court, of course, and they proceed at that time to address the matter.

If any evidence is forthcoming, and if the member has some evidence that would be helpful in regard to a particular court action, we will be pleased to have that evidence. I would suspect as well that our ministry, as it does in almost all these cases, would have the investigations and enforcement branch investigate and determine whether charges should be laid.

**Mr. Wildman:** Surely the minister is aware that Ontario Hydro spilled into the Mississagi River waste oil from a transformer it was moving at concentrations of 70 per cent PCBs. That is almost pure PCBs, but the ministry has not yet charged Ontario Hydro. However, the spills I refer to that are subject to prosecution in Toronto were measured in parts per million.

Surely the minister is concerned about the effects on the tourist industry and the fact that the fish in the Mississagi River may pick up the PCBs, and surely he is concerned that Ontario Hydro would allow such a spill to take place even after it was directed by his own ministry to ensure that the open drain to the river was cut off before the transformers were moved.

**Hon. Mr. Bradley:** In my capacity as Minister of the Environment, I share the member's personal concern, as a representative in the area, for activities that are detrimental to the environment. I am aware of the situation. I know the member himself was deeply interested in it and immediately, as it happened, drew certain things to the attention of our ministry that were very helpful.

I should point out that when the charges were laid, for instance, in the Hydro case in Toronto, they were laid after several months of investigation; they were not laid immediately. I know that in the situation the member has drawn to my attention again, because of its seriousness, our investigations and enforcement branch will be conducting an investigation. When sufficient evidence has been put together to proceed with a court case, we will be happy to indicate, through the means of a press release, that charges have been laid.

#### EDUCATION FUNDING

**Mr. Morin:** I would like to address this question to the Minister of Education. Recently I attended a parent-teacher association meeting of St. Matthew's Junior High School in Orleans. More than 500 parents were present. They expressed their concern that the province is not

moving quickly enough to provide capital funding for separate schools, which are suffering from overcrowding because of the shift of students to these schools under equal funding legislation. What is this minister going to do to resolve this problem of overcrowding?

**14:50**

**Hon. Mr. Conway:** I thank the honourable member for his question and for his many vigorous representations on behalf of his constituents in that important part of the national capital area. As I have indicated to this House on previous occasions, the new government has, in its first 18 months, substantially improved the capital grants to Ontario school boards.

In so far as the matter of separate school extension is concerned, we made a commitment when we took office that we would not release any of the funding for extension purposes until the law was enacted. That was done in late June 1986. Since that time we have released about \$33.2 million in capital grants to help those extending separate school boards meet the kinds of needs the member has identified.

As I recall, about \$1 million of that capital grant allocation has been awarded to the Carleton Roman Catholic Separate School Board to help with projects, such as St. Matthew's school to which the member made reference, but we are not going to solve the problem overnight. I want to assure the member and his constituents in Carleton East that we will do everything possible to meet the real needs of those fast-growth areas.

#### MINISTRY ESTIMATES

**Mr. Cureatz:** I have a question of the Minister of Correctional Services. Now that he has been relieved of one of his responsibilities, will he be so kind as to assure myself and this House that he is negotiating feverishly with his other cabinet colleagues to ensure that the estimates of the Ministry of Correctional Services will be coming forward as soon as possible, since they always seem to be getting bounced?

**Hon. Mr. Keyes:** Yes. We are looking forward to the estimates for Correctional Services and have conferred with the Treasurer's office. At present, the date happens to be approximately late January.

**Mr. Cureatz:** Since the minister has had so much time in the preparation of his estimates, will he at least assure me that he will anticipate the kinds of questions he and I have already discussed and that those inmates who are going through the system will be getting adequate health inspection and dietary evaluation to ensure

that all possible avenues are looked at in terms of their rehabilitation?

**Hon. Mr. Keyes:** I assure the honourable member that we are doing everything possible to ensure that all inmates' rights, whether in the field of human rights or that of dietetic conditions, are responded to appropriately.

#### NUCLEAR ARMS FREE ZONE

**Mr. R. F. Johnston:** My question is for the Premier. In the past few weeks, I have been receiving a lot of letters of congratulations for the Legislature about the passage of resolution 1 to make Ontario a nuclear weapons free zone. The page has just brought the Premier a sample of my first question.

A lot of these letters have lines in them, such as the one that follows from young Sheila Brown, "Where do we go from here to make sure that this resolution is implemented in a meaningful way?" It has been almost three weeks. What is the Premier doing to make the will of the Legislature the policy of the government? Can we soon expect a government statement such as the ones passed in Manitoba and the Northwest Territories?

**Hon. Mr. Peterson:** I recall the debate and I congratulate the honourable member for putting forward the resolution, as he did two or three years ago. I believe I spoke on that resolution at the time and supported it. Even though I do not vote on private members' resolutions, it is one I would have supported as a statement of principle and of our collective protest against the insanity of the global arms race. That being said, how does one translate that statement or sentiment? The things the member is talking about mean different things to different people. I viewed it in a moral context. How would we translate that into specific public policy? How far does it go? What does it actually mean?

My friend, familiar with the rules of this House, as others are, will be aware that to take a resolution, a statement of principle—and I think that came forward eminently clearly from this House—and translate that into a specific act is sometimes a different question. If my friend has specific ideas on how this thing should be translated into legislation—he has just sent me something; I am not sure what it is, but I will read it—then I am obviously interested in the ideas he has. I do not have a specific piece of legislation in mind.

**Mr. R. F. Johnston:** I am always willing to help. The first piece of information is a statement of the same principle, but it would be a



government statement, which I think is an important distinction for us to make as our next step.

Following that, I ask the Premier to look at the whole question of tritium exports. We have total control over the production of tritium through Ontario Hydro; yet there is a major question as to whether we should be exporting tritium. Can the Premier tell me at this point what his government's policy will be on the export of tritium, especially since the Canadian fusion fuel technology project under the control of Hydro is currently discussing using tritium technology with military interests in the United States?

**Hon. Mr. Peterson:** The export of tritium is a federal responsibility. We are of the view that it should not be exported for nonpeaceful purposes. We have said that before. That is the view of this government. Therefore, any exports will be checked out with that policy in mind.

#### SUNDAY TRADING

**Mr. Cordiano:** I have a question for the Attorney General. On January 9, 1986, the Leader of the Opposition (Mr. Grossman) stated with reference to Sunday shopping, "If the law is not changed, thousands of unemployed will be denied the opportunity of part-time work." Will the Attorney General comment on the question of whether part-time work would be created in this province as a result of the opening up of Sunday shopping?

**Hon. Mr. Scott:** A complete analysis has not been done to answer that question, but it is unlikely any part-time work will be created in significant amounts by any such change. I point out to the honourable member that this was the expressed opinion of the Leader of the Opposition on January 9. He now has been overruled by the member for Oakville (Mr. O'Connor) and a different opinion has been taken.

Interjections.

**Mr. Cordiano:** I would like to ask the Attorney General by way of supplementary—

**Mr. Speaker:** Order. Perhaps the member will wait until the members allow him to be heard. We will just wait.

**Mr. Cordiano:** Does the Attorney General agree with this comment made by the Leader of the Opposition at the same time: "The government is willing only to 'review' the legislation with no commitment to broaden it. The Progressive Conservatives are prepared to stand up and be counted, to say we must change the law to

greatly expand Sunday shopping in response to demand"?

**Hon. Mr. Scott:** The member for Downsview does not understand. They have changed their minds since they saw the poll. Now they take a different view. That question and answer are out of date. That was given in January. One must be up to date with that party. The member for Oakville will give him the true answer about where that party stands today. Who will tell him where it stands next week I cannot imagine.

Interjections.

**Mr. Speaker:** Order. I am sorry to tell the member for Sarnia (Mr. Brandt) he cannot ask his question for a while. Order.

#### VOLUNTEER FIREFIGHTERS

**Mr. Brandt:** My question is for the newly appointed acting Solicitor General. I raise this question with some trepidation about his role as Solicitor General, knowing how harshly he responds as Attorney General to questions from the opposition.

A week ago in this House, I raised a question about the concerns that have come to my attention from volunteer firefighters who are being denied the opportunity to study on weekends at the Ontario Fire College to upgrade their education and training. These are volunteer firefighters. I know the minister is up to date on this issue.

Can he give me some indication what his ministry has done since a week ago with respect to reviewing that particular problem? His ministry is not providing the funding or the instructors for the education of these volunteer firefighters.

15:00

**Hon. Mr. Scott:** I want to tell the honourable member, who is the chairman of the standing committee on administration of justice, that the new acting Solicitor General is much better behaved than the Attorney General and is very grateful for the question he has asked.

I am aware of his concern. I am not aware of how to respond to it, but I will be schooled within the next few hours and will report to the honourable member very quickly. I thank him for his question.

**Mr. Brandt:** I am not through yet. By way of supplementary to the newly appointed Solicitor General, who will apprise himself of this problem very shortly: there are some 300 applications that have already been set before his ministry with respect to volunteer firefighters who wish to study on weekends. These are



individuals who are taking their own time to provide themselves with the knowledge they need to assist the various small communities throughout our province. I have personally received more than 20 letters within the past week, since I made the statement in the House, concerning their interest in receiving the education that can only be provided by the Ontario Fire College.

**Mr. Speaker:** What was the question?

**Mr. Brandt:** In his newly appointed role, will the Solicitor General lean over and talk to the Treasurer (Mr. Nixon) about getting adequate funding to provide the budget that will be necessary to fund the year 1987 and provide these people with the kind of training they absolutely have to have?

**Hon. Mr. Scott:** I am even more grateful for the supplementary question, which allows me the opportunity to share with the honourable member the view I know he has of the important contribution volunteers make, not only to the fire departments across the province, particularly in the smaller communities, but also to the auxiliary police forces.

[Applause]

**Hon. Mr. Scott:** I thank the honourable members for the applause, which gave me an opportunity to think deeply about this question.

Both the member for Samia and I share the view that everything it is possible to do should be done within the limits of fiscal responsibility to ensure that the appropriate education is made available at appropriate levels to those who can benefit from it in providing this voluntary service. It may be that my friend and I can go jointly to the powers that be to make this important request. I am very pleased to have his co-operation and assistance.

If the member for Cochrane South (Mr. Pope) would ask questions such as that, he would get answers.

#### FUNDING OF POST-SECONDARY EDUCATION

**Mr. Warner:** I have a question of the Minister of Colleges and Universities. Is the minister prepared to investigate the massive budget cuts that were announced at Centennial College?

**Hon. Mr. Sorbara:** I remember the days, and they were not so long ago, when we used to stand up and say, "I want to thank the honourable member for the question." I want to thank the member for the question, because it gives me an opportunity to correct the misinformation he has

provided for us. There are no massive budget cuts at Centennial College or at any other community college. In fact, year after year, the budgets of our community colleges have increased by some 10.9 per cent. Mr. Speaker, if you call that a budget cut, I do not know what.

**Mr. Warner:** It is unfortunate the minister is not better informed. According to the president of the college, it has a deficit of \$2.7 million, which by law it is not permitted to have. That will result in cuts. The staff and students are asking that the minister investigate, have a look at the books and find out what is going on at Centennial College.

First, will the minister investigate these cuts? They are being made. Second, because the college has experienced an increase in its student population, can he guarantee that whatever cuts must be made to match the deficit, there will be no loss of jobs and the quality of education will not be compromised?

**Hon. Mr. Sorbara:** I can guarantee my friend that the steps we have taken with Centennial College and our other community colleges in the past 17 months have dramatically improved the quality, not only at Centennial but also at colleges right across the province.

He refers to a deficit. I do not think the appropriate definition for a deficit is a budget cut. There was a rather dramatic increase in funding at Centennial and many additional professors and teachers were hired there. We are aware of a small deficit in the budgetary process, but given the increase in student population, we are sure we will be able to cope with it. We are looking at it, but it is not a budget cut, as my friend suggested, that the ministry imposed upon Centennial College.

#### NUCLEAR SAFETY

**Mr. Gordon:** I have a question for the Minister of Energy. More than three months ago, his government promised the people of this province that it would provide a safety panel made up of international experts to look at the question of nuclear safety and to look at nuclear plants from the point of view of design and operations, as well as emergency plans to protect the population. Three months has gone by. Where are the plans?

**Hon. Mr. Kerrio:** This has to be very clear. The Ministry of Energy does not participate in emergency plans, which are the responsibility of the Ministry of the Solicitor General. I am sure the honourable member is aware of that.

We are looking for the kind of person who can fulfil the role of inspecting our plants across Ontario and, I hope, extending them. The Honourable Marcel Masse, the federal Minister of Energy, Mines and Resources, has agreed to give his wholehearted support to that kind of an examination. It is under way. Within the next short while, I expect to have the name of the chairperson who is going to do that very important examination.

**Mr. Gordon:** I am surprised at the answer. In August, more than three months ago, the minister promised he would establish a safety panel which would ensure that nuclear power plants in this province would be looked at by international experts. Darlington has proceeded on schedule and both Bruce and Pickering are in the final stages. How is it going to be possible to make design changes or to change the operations of those plants, given the time that has gone by? The minister is making it almost impossible for that panel to have any kind of substance to it. When is he going to act?

**Hon. Mr. Kerrio:** I have already told the member that we are acting. We are doing it in a very responsible way. The individual who will head up the examination and take the lead role in examining the safety of our reactors in Ontario has to be very carefully chosen. That is under way. It is a very important undertaking by a government that fully understands that it has to be responsible to the people.

We are going to examine our Candu reactors as they have never been examined before. That is why we need the kind of person I am going to make sure performs that very important task. The people of Ontario are going to be well satisfied with the person who is chosen, and the member will be satisfied too.

#### PROTECTION FOR HOME BUYERS

**Mr. Philip:** I have a question of the minister of commercial relations. Has the minister been quoted accurately in saying that he will not do anything for the 40 home buyers who have agreements to purchase homes in the Bolton area from the Georgian Group. Is that a correct statement? Can he not do anything? Why does the minister not introduce legislation to deal with this problem?

**Hon. Mr. Kwinter:** I said I will not do anything until I get a full report. I have talked to one of the principals of the company, who maintains he had a conditional sales agreement which was perfectly legal and binding. I have had officials from the Ontario New Home Warranty

Program meet with the municipality and with the builder. I have yet to receive their report. Until I do, I do not know what it is that I am acting on.  
15:10

#### PETITIONS

##### SUNDAY TRADING

**Mr. Gordon:** I have a petition here that was collected by Edna Stillar and Linda Tchorzewski of Sudbury with regard to the issue of Sunday shopping. For the edification of the House, both of these women were threatened with being arrested by the mall manager when they were objecting on that Sunday to the opening of the Loblaws Superstore in Sudbury. The petition reads as follows:

"Stop...just for a moment. Do you want our community, where we all still have a family life, to become a hectic, commercialized city where the almighty dollar means more than you and I?"

"Look around you. We now have store hours 9 a.m. to 9 p.m., Monday through Friday and all day Saturday for your convenience. Can we not hold on to our one day to spend with our families and friends? Look at your groceries. Are you really buying anything that could not wait till tomorrow? Look at the faces serving you. Don't they have a right to be home with their families?"

"Listen to our plea for your help. Sunday is a religious day, a family day, a quiet day, a day we all look forward to. Help us protect Sunday."

More than 1,179 people signed this in the space of a couple of hours.

I have a second petition here this afternoon.

**Mr. Speaker:** Addressed to whom?

**Mr. Gordon:** The first one was addressed to the Solicitor General.

**Mr. Speaker:** Generally, they are supposed to be addressed to the Lieutenant Governor.

**Mr. Gordon:** They are addressed to the Lieutenant Governor.

**Mr. Speaker:** Oh, I see.

**Mr. Gordon:** Now that you have made it quite clear to me, Mr. Speaker, I appreciate that very much. That is one for you.

#### PENSION FUNDS

**Mr. Gordon:** This petition was gathered by a very well known teacher in the Sudbury region, Mrs. Vi McDougall, a librarian at Sudbury Secondary School. This petition has 8,615 signatures on it. It is entitled, Discrimination.

"I support the business and technical teachers in their appeal to have their business and trade experience acknowledged as contributory years



in superannuation since those same years were necessary for entrance into the teaching profession.

"I feel that since the business and technical teachers had no option in the decision as to whether they belong to a registered pension plan or no pension plan, this is a form of discrimination."

#### L'OUVERTURE DES MAGASINS LE DIMANCHE

**M. Guindon:** J'ai deux pétitions sous forme de lettres de gens de la circonscription de Cornwall. Elles sont adressées au procureur général (M. Scott) et se lisent comme suit:

"Je désire, par la présente, vous exprimer ma désapprobation concernant l'ouverture des magasins le dimanche. Tout comme mes concitoyens(nes) de Cornwall je crois qu'une telle pratique donnera lieu à une détérioration de la vie familiale. Je ne crois pas qu'une telle pratique puisse se justifier en pensant qu'elle réponde à un besoin essentiel. Je vous invite donc à faire tout en votre pouvoir pour que la loi du dimanche soit maintenue et je vous remercie de l'attention que vous porterez à cette requête et des gestes que vous allez poser à cet égard."

La première pétition porte 135 signatures et la deuxième, dans le même esprit, en porte 301.

#### SUNDAY TRADING

**Ms. Gigantes:** I have a petition which has been drawn up by the members of the St. George's Anglican Church in Ottawa in protest against the opening of stores other than convenience stores on Sunday in defiance of the law. They ask that Sunday be preferred as a quiet day for family get-togethers, for church attendance and relaxation.

It is signed by 47 members of the congregation of St. George's. I would like to deliver it to the Attorney General.

#### INTRODUCTION OF BILLS

##### PENSION BENEFITS ACT

**Hon. Mr. Kwinter** moved first reading of Bill 170, An Act to revise the Pension Benefits Act. Motion agreed to.

**Hon. Mr. Kwinter:** I am pleased to introduce for first reading the Pension Benefits Act, 1986. This act replaces the Pension Benefits Act, Revised Statutes of Ontario, 1980. It includes many important reforms and changes that will be of major significance to the retirement future of the people of Ontario.

#### POWER CORPORATION AMENDMENT ACT

**Mr. Gordon** moved first reading of Bill 171, An Act to amend the Power Corporation Act.

Motion agreed to.

**Mr. Gordon:** The members of this Legislature had a pretty good example this afternoon of how much care and concern this government has when we talk about nuclear power. This is exactly what this bill is about.

This bill would see that no further nuclear power plants would be built in this province. It means we would move into a future that was unclouded by the fear of nuclear accidents. It would recognize that this government has taken no steps to see that radioactive wastes are transported and hauled in a manner that is safe. I believe this bill is absolutely essential at this time.

**Mr. Speaker:** The member was getting more into a debate than an explanation.

#### NOTICE OF DISSATISFACTION

**Mr. Speaker:** Before I call for orders of the day, I would like to inform the members that, and this is very important, pursuant to standing order 30, the member for Carleton-Grenville (Mr. Sterling) has given notice of his dissatisfaction with the answer to his question given by the Minister of Energy (Mr. Kerrio)—this was yesterday—and the matter will be debated at 6 p.m. later this afternoon.

#### ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

**Hon. Mr. Nixon:** I wish to table the answers to questions 407, 489, 490 to 493, 498 and 504 in Orders and Notices, and the interim answer to question 494 [see Hansard for Monday, December 15].

#### ORDERS OF THE DAY

**Hon. Mr. Nixon:** There is a remote chance there might be some votes based on work we do this afternoon in committee when that order is called a bit later. It is agreed that any votes to be taken from the committee divisions will be held at 5:45 p.m.

#### OLEOMARGARINE AMENDMENT ACT

**Hon. Mr. Riddell** moved second reading of Bill 14, An Act to amend the Oleomargarine Act.

**Hon. Mr. Riddell:** As the members will recall, the purpose of this amendment is to alter the description of the test used to determine the



level of colour in margarine. The amendment removes the requirement that the test result be "read under conditions substantially similar to those established by the United States Bureau of Internal Revenue." The US standards of testing now are obsolete, making the existing section of the act unenforceable. The amendment involves the section of the Oleomargarine Act that prescribes the shades of yellow that can be used in margarine sold in this province.

The act deals with other aspects of the manufacture and marketing of margarine as well, such as product composition, labelling and advertising. This amendment will renew enforcement provisions in a way that the objectives of this legislation, and consumer protection particularly, will be achieved.

**15:20**

**Mr. Andrewes:** In the absence of the member for Durham-York (Mr. Stevenson), I am pleased to indicate to the minister and the government our party's support for Bill 14, a long-awaited piece of legislation in Ontario, one that is going to have a ringing significance throughout the province. I am sure the minister will be delighted to have it as part of a jewel of his crown.

The legislation enshrines the historic view of this Legislature—is the minister paying attention?—that it is appropriate in the province to give a measure of protection to the dairy industry from a product that is similar looking, and some might say similar tasting, but certainly lower in cost, a product that is known as oleomargarine or margarine. I am sure there are many honourable members, including the minister, who well remember the days when one took the little pouch and the coloured tab and squeezed it and made it whatever colour suited one.

Although we support the extension of this protection to the dairy producers, it is incumbent on this Legislature, from time to time, to review these statutes so we can assure ourselves that they do serve the best interests of the public. That is why we are here. Certainly, a statute such as this one serves the best interests of the agricultural sector at large.

We know the dairy producers of the province support the legislation, support the protection that the legislation provides; and that the bean producers, whose product is subsequently made into oils, perhaps have a different view and, from time to time, have indicated their opposition to this legislation.

It is fair to say the minister will agree that certain consumer groups have indicated their concerns about this type of legislation, if not this

specific legislation. Ontario is the only province in Canada that provides this protection to its dairy industry. For those who are protected under these statutes, it is incumbent on them to defend vigorously the position they wish this Legislature to hold to, so that as legislators we can act in the best interests of the public at large and, more particularly in this case, of the agricultural sector at large.

Without any reservations, with those brief comments, I indicate our party's support for Bill 14.

**Mr. Hayes:** On behalf of the New Democratic Party, I am here to speak in support of Bill 14, the Oleomargarine Act, which is very important because it does give protection to the dairy industry in Ontario. We know that if this is not passed and is not amended to make it enforceable, the industry will be affected financially. As we know, the agricultural industry has had enough problems.

It is very important also that it protect not only the dairy industry but also the consumers in Ontario from the possibility of margarine being disguised as butter in some restaurants, for example. At the same time, the consumers should also have the right to know exactly whether they are being served butter or a type of margarine.

It is a bill that is long overdue, and we should proceed without delay to pass it. On behalf of the New Democratic Party, I support Bill 14.

**The Deputy Speaker:** Any questions and comments?

**Mr. Pollock:** I may have a conflict of interest because I am a dairy farmer and that may put me in a different stead, but anyway, I support it. We should have some protection out there and distinguish butter from some of the cheaper spreads. I want to put that on the record.

**Mr. Breaugh:** I am rather shocked and taken aback, Mr. Speaker. A member has just declared both a conflict of interest and his intent to vote on a matter. I am sure you will want to rule on that.

**The Deputy Speaker:** I take it that was a comment rather than a point of order.

**Mr. Breaugh:** You called for comments, Mr. Speaker, and that was what I gave you. If you do not want them, you should not ask for them.

**The Deputy Speaker:** Are there any further questions and comments?

**Hon. Mr. Riddell:** I want to thank—

**Mr. Sterling:** On a point of order, Mr. Speaker: I believe you were asking for comments and reply on a speech by the member for Essex

North (Mr. Hayes). You did not call for further debate.

**The Deputy Speaker:** That is correct.

**Mr. Sterling:** If the minister is summing up at this stage of the game, this is a second reading debate.

**The Deputy Speaker:** That is correct. I take it there was no reply.

**Mr. Sterling:** I want to speak in support of this bill. I want to thank in particular the many milk committees from the various dairy farmers across this province that have taken the time and effort to visit each and every one of their MPPs to ensure that this act is passed.

I want to indicate to the Legislature, however, my dismay at the length of time it has taken the Minister of Agriculture and Food (Mr. Riddell) to impress his House leader and the Liberal government that this is an act that is very important to the agricultural community and that it should be passed forthwith.

If the Minister of Agriculture and Food had taken the time to come to our Agriculture and Food critic and the other caucuses, he would have found that he could have had speedy passage of this last May when it was introduced. It has taken this government some eight months, during which time there has been no protection for our dairy farmers, when this act could have been passed prior to taking the summer recess last year.

Therefore, I indicate my wholehearted support for this act but express my dismay at the Liberal government's priority in dealing with agricultural problems and agricultural legislation when this act could have been passed six to seven months ago.

**The Deputy Speaker:** Any questions and comments? Any debate?

**Mr. Villeneuve:** I too want to be on the record as being in favour of Bill 14, An Act to amend the Oleomargarine Act. I want also to thank the milk committees in the riding that I represent for having made representation.

An additional concern I want to warn the minister about is that there is always a possibility dairy products will be mixed with nondairy products. I hope the minister is satisfied this will not occur and the nondairy spreads, as we know them, will be easily recognizable by colour, as has been traditional. I caution him that the blending of dairy and nondairy spreads must be prevented at all cost.

15:30

**Mr. Harris:** I do not plan to be very long. I understand our party is supporting this bill and I understand why. Before I make my few brief remarks, I want the farmers to know I am supporting this bill; however, I am supporting it because there does not appear to be any will or initiative on the part of this government to take this issue—the bull by the horns, so to speak—and deal with it in a far more responsible way than this bill does.

If the intent is to support those grocery stores in the province of Quebec that line the Ottawa River and that great border between Ontario and Quebec and adjoin the ridings of Nipissing, Timiskaming, Cochrane North and Cochrane South, what we create in essence is a very flourishing trade that does not benefit the farmers, because those retailers are buying margarine and want to buy margarine.

It does not benefit the consumers, who end up having to travel some distance to get it. It does not benefit the margarine companies in Ontario or our corner stores, which earlier in this session this government purported to want to support with some hokum, cooked-up bill on illegally selective beer and wine in corner stores. I might add that as I read the bill, it left only about three in my whole riding of Nipissing eligible to sell it. I checked with two of them and they said, "We do not want the bloody stuff in our stores." Demarco's Confectionery was one that would have met the Liberal requirements. The owner said he was not the slightest bit interested in having beer and wine in his store. A couple of others were there as well. Anyway, I am digressing.

What bothers me is that in my part of Ontario, this piece of legislation does not do what it is intended to do. It does not help the farmers. In fact, it penalizes those stores in my riding that lose margarine sales as merchants drive across the border of Quebec to bring it in. Of course, it hurts consumers who have to drive some distance. As you can imagine, they cope as best they can. They pool their resources. The margarine comes across the border in truckloads and then is distributed. I hate to mention it, but they probably load up on a case of beer while they are there as well.

I express those concerns to the Minister of Agriculture and Food and to the government and suggest this issue is one that ought to be resolved in a more businesslike and organized fashion. Having said all that and not being the government, where I would have dealt with it much



differently were I in that position, but being only in the opposition, I will support the bill.

**Mr. Hayes:** I do not know whether I heard the previous speaker properly, but I think I heard him say the bill was not going to help dairy farmers in this area, which it does. My understanding of the bill is that it stops products that could be passed off as butter from coming across the border from Quebec into Ontario. The minister might correct me on that, but I am sure that is so. It will help enforce the existing act to stop a product that is disguised as butter from coming into Ontario.

**Mr. Harris:** Let me say in reply that the member somehow or other thinks this government or any government has the power to stop a consumer from going across the border into Quebec to a grocery store and buying some margarine and, God forbid, bringing it back into his home. I do not know where he got the idea that this is illegal.

We know this government has the Ontario Provincial Police investigating everything under the sun. There are more investigations going on. I am surprised the OPP force has not tripled or quadrupled in size to deal with the multitude of investigations of activities that this government has fouled up and cannot administer or govern properly.

All I am telling members is what is happening and will continue to happen in my part of the province in northern Ontario. Stores in northern Ontario lose margarine sales. Consumers are inconvenienced in getting the product they want. If that is the net result of what is happening, it is of no benefit to the farmers either.

Perhaps the minister has a magic wand he is going to wave that tells me this practice will cease. I doubt it, but I will be the first to congratulate him if that is the case.

**Mr. D. W. Smith:** I want to make a few comments on Bill 14 as well. Since I come from the riding of Lambton, which has quite a few dairy farmers, I thought I should make these comments.

I have worked with the dairy industry in a couple of jobs, and I know the dairy industry needs all the support it can get. It produces a product that I believe is superior to margarine. The only difference I can see, and I have eaten both products, is that one spreads a lot better when it comes out of the refrigerator. That is about the easiest way to tell the difference between these two products. As for eating them, in my mind, butter is by far the superior product, and I think we should protect it.

Leaving the colour different from margarine will tell people who buy the two products what they are getting. We have to protect our dairy farmers. They work seven days a week. Not too many industries can say they do that. Therefore, on behalf of the dairy producers of Lambton, I am pleased to support this bill.

15:40

**Hon. Mr. Riddell:** I thank my colleagues in the House for their continuing faith and confidence in this minister and this government to bring in good consumer protection legislation.

There was a suggestion that this legislation supports the dairy industry. That is not the only reason we are bringing it in. This legislation is not merely an attempt to protect the dairy industry; the primary function of it is to provide protection for the consumers of this province.

We have found a number of restaurants in this province serving butter-coloured margarine as butter in the past 18 months. We know there are fraudulent cases out there where margarine is being passed off as butter. Because of the wording of the existing legislation, we are not able to enforce it. That is the reason for the amendment to the Oleomargarine Act.

There was also a comment that Ontario was the only jurisdiction that had this colour differentiation in butter and margarine. At one time, all provinces had separate colour standards, when only white or near-white was allowed. Ontario maintained the separate standard as a consumer protection measure. Other provinces removed the colour restriction; however, I understand Quebec has decided to reintroduce a colour standard similar to Ontario's. I refer to a statement by the Quebec Minister of Agriculture and Food, Mr. Pagé, which was recorded in the October 1986 issue of the Quebec Milk Producer magazine. It reads as follows:

"A regulation of coloration similar to the one existing in Ontario will be introduced. Moreover, we will have margarine put in different displays in stores so that the consumer can differentiate margarine from dairy products. This will mean better consumer protection and awareness."

The bill is all about consumer protection. Some mention was made about consumer complaints. The Consumers' Association of Canada sent a newsletter out this past spring and asked consumers whether they were happy with the colour of margarine. In response, they received two letters that were somewhat critical of the colour differentiation we have. There are not too many consumer objections to this legislation.



The member for Lincoln (Mr. Andrewes) mentioned that the bean producers of this province objected to this legislation. I do not think that is the case, because the dairy industry of this province uses a lot of the products of the bean producers. As a matter of fact, many of the products used in the manufacture of margarine are imported products which are not benefiting our bean producers one iota. The bean producers are not concerned about this act. They are only thankful that they are able to sell their products to the dairy industry of this province.

I think I have responded to most of the concerns expressed. Once again, I thank the House for its support.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT (continued)

Resuming consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

**Hon. Mr. Nixon:** I would like to indicate that it has been agreed that if there are any votes on the sections we deal with in committee, the votes will be held at 5:45 p.m.

**The Deputy Chairman:** Is there unanimous agreement that the vote be held at 5:45 p.m.?

Agreed to.

**Mr. Breagh:** On a point of order, Mr. Chairman: We do have a bit of a problem. There is something out of order. On the previous vote, the member for Hastings-Peterborough (Mr. Pollock) declared a conflict of interest. He then proceeded to stay in the chamber, and I heard him vote in favour of the bill. It seems to me this is a matter you have to take under consideration.

**The Deputy Chairman:** I am sure you know this comment was made in the House, not in the committee.

**Mr. Warner:** The committees are an extension of the House.

**The Deputy Chairman:** Thank you. We are on section 18. It is the amendment proposed by the member for Ottawa Centre (Ms. Gigantes), subsection 18(3a). The member for Mississauga South (Mrs. Marland) had the floor yesterday.

**Mr. Harris:** Before you get to that, I wonder whether members would allow me to indicate that we have amendments coming, I believe to

section 18 and to section 70, which deal with the proclamation sections of the bill. They are being retyped and will be circulated as soon as they are available. I wonder whether I could have permission from the committee to deal with those sections when we get to the proclamation section, recognizing that one of them deals with section 18, which has to be amended as well, if that would be in order.

**Hon. Mr. Scott:** I understand the amendment relates to the proclamation date of section 18. I do not understand why section 18 itself is amended under the proposal that is made.

**Mr. Harris:** Perhaps I could ask the committee whether, when we get to end of the bill, we could deal with whatever amendments we have. They are not before me; and I apologize, I am not sure what sections they fall under. I am trying to serve notice that we do have amendments in those areas, and if we have perchance passed the section they fall in, perhaps we could agree to go back to it at that time.

**Hon. Mr. Scott:** The concern I have is that if, as I understand it, there is an amendment that will affect the proclamation date or the process before proclamation of section 18 of the bill, I would have no difficulty with agreeing that that course be followed; but if there is an amendment to the meaning of section 18, that is something else and I would like to consider that question.

**Mr. Harris:** It has to do with the proclamation only. I think it appears in a couple of places in the bill, and we have to place amendments in a couple of different sections. By the time we get to section 70, we will have already passed one of those sections. I am sorry I do not have them in front of me; they are being retyped. They do not deal with subsections 18(1) to (5); they deal only with the proclamation date of subsections 18(1) to (5).

**Hon. Mr. Scott:** On the understanding that it does not deal with subsections 18(1) to (5) but deals with the proclamation date of that section alone, our party consents to that.

**Mr. Shymko:** It would add subsection 18(17), referring only to the proclamation aspect of that section.

**The Deputy Chairman:** Is the committee in agreement?

Agreed to.

On section 18:

**Mrs. Marland:** In rising to continue to speak to the amendment that would permit 16- and 17-year-olds who withdraw from parental con-

trol to rent accommodations, I was saying yesterday that the question is ever ongoing as to who is responsible at what age. An example of that is how we discuss at various times who is responsible enough to drink, to drive or to fight for his country.

**15:50**

In speaking in support of this amendment, I think one point that needs to be made is that we are dealing here with 16- and 17-year-olds who withdraw from parental control. The focus should be on that aspect. It may be an assumption in this debate that those 16- and 17-year-olds are beyond or outside of parental control. That may not be the fact at all. It may be that the 16- and 17-year-olds choose to withdraw from parental control because there may not be any parental control.

In some examples I am aware of, there are 16- and 17-year-olds whose parents simply do not care about them. Tragically, we also have 16- and 17-year-olds who live in homes where they are very badly abused; yet they choose not to go to the authorities about it and be involved with social service agencies and children's aid societies. Where these young people choose to withdraw technically from parental control, they should be allowed to do that. In those very bad circumstances to which I have referred, I would be the first to encourage a 16- or 17-year-old to leave a violent, abusive situation.

Once those 16- or 17-year-old make the choice to have a chance with their lives and are able to support themselves, and at 16 they can legally work and maybe a social service agency to which they have been referred is able to give them some other kinds of support, it follows that those young people should be allowed to rent accommodation.

It has been suggested that this amendment may make it easier for people in this age group to leave home and set up housekeeping with their friends, and the easier we make that possibility for them the more young people will do it. As a mother of three people who are now in their 20s and knowing a lot of their friends as they went through those ages, as glamorous and as exciting as it sounds to leave home and get away from parental control, in the clear light of dawn they often realize that being at home and having all the provisions of life there for them is ultimately the real choice.

That is the ideal choice, it is easier for them, and they are happy if they can possibly cope with it. Therefore, I do not see this amendment as something that will encourage young people to

leave home. Rather, I see it as an amendment so that those who need to leave home at least have that opportunity.

The other young people, whom we call the runners, are running anyway, and there is no way they can stay at home. They end up sleeping in hallways, underground garages and so forth. We have an obligation to make accommodation as accessible as possible to them.

I know we are concerned about the landlord. It is very clear that the landlord is protected. A landlord is not obligated to accept a 16- or 17-year-old any more than an 18-year-old, a 19-year-old, a 40-year-old or a 50-year-old. The landlord is entitled to decide whether the proposed tenant, the applicant, is creditworthy. He has means and resources to establish whether the proposed tenant is creditworthy. If he obtains the appropriate credit rating, then the 16-year-old or 17-year-old can be as eligible a tenant as any person of any age.

I recognize that 16-year-olds or 17-year-olds do not go to a landlord with a long record of being good tenants in terms of their behaviour or their ability to pay their rent, but it is my understanding that young people of this age can legally contract for the necessities of life. This being so, obviously a roof over their heads has to qualify as a necessity of life.

We all know people in this age group who are very worthy managers of their lives. They have chosen, for whatever reason, to forfeit their opportunity for education and to go out to work and take on other responsibilities. It is a very fine line to deny someone who can legally work the right to contract legally for a roof over his head.

I see this amendment as being very necessary to encourage young people who may have all kinds of problems in living at home. As I said at the beginning, their homes may not be suitable places for them to live for any number of reasons. How much more sense it makes to let these young people have the opportunity to rent their own accommodation, take on their own responsibilities and go out to work and have a job to provide for themselves. We may well find that rather than causing additional problems with this age group by this amendment, we are giving them an opportunity to prove that if they are creditworthy they can be as suitable tenants as anyone of any other age.

We have an obligation. Instead of writing off young people with a sweep of the hand and assuming that all 16-year-olds and 17-year-olds who do not choose to live at home under parental control have some major problem and are



anti-society and are not well-adjusted individuals, we may find among this age group a number of young people who are very worthy members of our society, who are willing to work and provide for themselves, but need a chance to provide for their own living accommodation.

**Mr. Warner:** I am very pleased to support the amendment put forward by my good colleague the member for Ottawa Centre. As we have gone through this bill, it has become increasingly apparent to all of us that the Attorney General (Mr. Scott) would be in very serious shape if he did not have the good assistance of the member for Ottawa Centre. She has done a superb job.

This amendment will be of assistance to the many community organizations that work closely with troubled youths. There are a number of community groups that have found it very frustrating over the years to be of total assistance to young people who are in difficulty. This amendment will be most welcome to many of our community groups that are working with young people. I am very pleased to see the amendment come forward and to learn that all three parties support it so that it will become part of the bill.

**16:00**

[Interruption]

**Mr. Wildman:** Why are the Tories still debating Bill 7 up in the gallery?

**Hon. Mr. Scott:** On a point of order, Mr. Chairman: They are Liberals here in support of the ban on adults-only housing.

**Mr. Shymko:** The member for Ottawa Centre may be surprised that I am supporting her amendment, but I join my colleagues in stressing the importance of this amendment. I know that over the years the problems of that sector of society, our young people of the age of 16 and 17, have been in limbo, not only in terms of the Human Rights Code and human rights legislation in this province, but also in other legislation in other areas.

It is a dilemma. We cannot perpetuate the status quo of that limbo. This amendment is the first attempt seriously to address and resolve that problem. As I watch the Attorney General, who is nodding as I mention this dilemma, I know he also shares these concerns. He has indicated that it should be resolved in due time, whatever that means. It may be in some other amendments in the future. I think we have an opportunity with what is being described as an omnibus bill to address the issue and to resolve it once and for all before the Christmas recess.

I have no problem with this amendment not only being passed but also being proclaimed following royal assent. I do not know whether the Committee for Equal Access to Apartments, which has written to my leader and to our caucus members and, I believe, to all members of the Legislature outlining its concerns, has had an opportunity to address the committee on this issue. They may have and they were probably very eloquent in pointing out the plight of these young people.

I do want to stress that in looking at the growing statistics on unwed mothers, we see an increase of single parents, of unwed mothers at a very early age, some from the ages of 14 and 15. I refer to the submission from the co-ordinator of the Committee for Equal Access to Apartments, Bruce Porter, who mentions a figure of more than 6,000 young mothers who are 16 and 17. I do not know whether these young mothers are wed or unwed, whether or not they are single parents. I imagine a vast majority of them are. Although many may live with their families, they may have other accommodation. They are legally independent, and the problems of housing and accommodation are very crucial.

I am sure if one were to hear some of the horror stories, one would not even hesitate in the passage of this amendment in view of these tragic situations of unwed young mothers who have applied for an apartment or tried to have a lease and were refused because they are not protected today by the Human Rights Code. As we address the protection of human rights of various individuals not covered, it is incumbent on all of us that we give protection to these members of our society, many of them in destitute situations.

I do not have to tell my colleagues that someone at the age of 16 can join our armed forces and can fight and die for this country at the age of 16. Yet, for some reason, although that criterion is accepted for an individual of responsibility in making the ultimate sacrifice for this country—

Interjection.

**Mr. Shymko:** Yes, one can. At the age of 16 one can join the armed forces. Perhaps, Mr. Chairman, you can correct me. It is my understanding that one can. Maybe they are not regular forces.

One can get one's driver's licence at the age of 16. At the age of 16, one can legally quit school and be independent. One is not forced to continue his education. There are many aspects where one treats young people in that category as mature, responsible, independent adults. There is an



aspect of legal independence from parental care, as pointed out in the letter from Bruce Porter.

One can see many examples of that independence and legal autonomy. When we give that legal independence, we should stress the importance of enforcing leases that are signed by these individuals.

There is a great deal of misconception on the part of landlords who are confused about whether a lease signed by someone who is 16 or 17 would be legally enforceable. I think it is. The Attorney General may provide a stronger clarification of that misconception, but there is a misconception that if someone of that age signs a lease, it is not legally enforceable. I do not think that is the case.

They are protected by our common law, and therefore we should not hesitate in supporting this amendment. I am very pleased to support the amendment to subsection 18(9).

Motion agreed to.

**The Deputy Chairman:** Ms. Gigantes, do you have another amendment to subsection 18(7)? The one I have here is subsection 18(7). I also have an amendment to subsection 18(9).

**Hon. Mr. Scott:** As I understand it, subsection 18(7), subsection 18(9) and subsection 18(14) have motions in the name of the member for Ottawa Centre and relate to the same issue, which is the removal by amendment of the phrase "business inconvenience" in each of those subsections.

**Ms. Gigantes:** I would move that clause 16(1)(a) of the Human Rights Code, 1981, as set out in subsection 18(9) of the bill, as reprinted by the Attorney General, be amended by striking out "business inconvenience" in the fifth line.

The three motions I have on this section essentially deal with the same matter. I wonder whether I should read them all at once. We cannot vote on them that way, though, can we?

**The Deputy Chairman:** They are all on subsection 18(7). Are you planning to move that one later on?

**Ms. Gigantes:** Yes. Right. Forgive me, Mr. Chairman.

**The Deputy Chairman:** Ms. Gigantes moves that subsection 10(2) of the Human Rights Code, 1981, as set out in subsection 18(7) of the bill, as reprinted by the Attorney General, be amended by striking out "business inconvenience" in the seventh line.

16:10

**Ms. Gigantes:** Very briefly, my concern in proposing the removal of "business inconvenience" is that I feel the defences we have provided in

the amendments which we approved before and now are printed in the bill are adequate as a defence for a business that it is too costly to provide accommodation for the employment of the physically handicapped.

The section we are addressing here says, for example, the concern of the business for "undue hardship on the person responsible for accommodating those needs" shall consider the cost, the "outside sources of funding, if any, and health and safety requirements, if any." It seems to me that to have "business inconvenience" in addition to those defences is to trivialize a very serious matter. Surely, if there is an inconvenience to the business that is substantial enough that it should be considered a defence in this kind of situation, that convenience will be something that can be measured by cost.

As we have already provided the defence of cost for a business that is called upon to accommodate a physically handicapped employee, to suggest that we also take account of "business inconvenience" is to stretch matters beyond the rights we are trying to establish here. It will make it very difficult for a physically handicapped person to achieve employment and to ensure that employment will be offered and provided through the accommodation that the business undertakes.

**Mr. Philip:** I would like to speak to another aspect of the amendment my colleague is making. It seems to me one of the most fundamental principles democratic societies hold is the principle of freedom of religion. In the case of a number of my constituents who are of the Sikh religion, wearing the turban and the bracelet is an essential component of that religion.

There are basically two cases that deal with this, and I will not go through the long discourse I had originally planned.

**Hon. Mr. Scott:** Will the member explain the direction he is taking? It is interesting.

**Mr. Philip:** If he will give me a minute, I am sure I will say some things complimentary in an indirect way to the Attorney General. I am sure he will appreciate that.

**Hon. Mr. Scott:** Do not worry about that. Say something complimentary about the section.

**Mr. Philip:** The two cases I am referring to are Bhinder versus the CNR and O'Malley versus Simpsons-Sears.

In Bhinder versus the CNR, the Attorney General will acknowledge that Mr. Bhinder had excellent legal counsel and representation and that a very forceful case was made to the

Supreme Court by his then solicitor. The issue was whether the dismissal of Mr. Bhinder by the CNR because of his refusal to comply with a safety regulation requiring the wearing of a safety helmet breached the Canadian Human Rights Act. In that case, it was held that the statute did not protect Mr. Bhinder. In other words, despite the excellent legal counsel Mr. Bhinder had at the time, he lost the case.

The result may be contrasted with the second decision, in *O'Malley versus Simpsons-Sears*. Counsel for O'Malley held that under the Human Rights Code, the failure of the employer to attempt to accommodate Miss O'Malley's desire to be exempted from working on Saturdays, based on her Seventh Day Adventist faith, did breach the Ontario code. The contrasting results of the two cases can be explained by the difference in the two statutory schemes.

What I am trying to emphasize is that while the Bhinder case might not automatically apply in Ontario were it tried in Ontario courts for similar reasons, none the less I believe people such as those of the Sikh religious persuasion require some additional protection of their religious beliefs and the right to wear turbans in the work place. I suggest the inconvenience of the employer is not an adequate excuse to interfere with the freedom of someone to practise the religion of his conscience.

What my colleague is attempting to do, after considerable work that I must say we have put in by reading those two cases and in meeting with people in the Sikh community, is at least to open up and give some additional protection that the Sikhs have not had in the work place.

I hope the Attorney General will not require me to go through the whole Bhinder case with him to persuade him I am right in my views on this, but rather will say in an accepting way that probably the very excellent reasons put forth by the solicitor on behalf of Mr. Bhinder are equally valid today; that they should be held as forcefully now by all people as they were held by the solicitor representing Mr. Bhinder when he made his excellent presentation, and that the Attorney General will now accept those reasons and the amendment.

**Mr. O'Connor:** I indicate to the committee, on behalf of our party and all those members of our party who are here present, that we will unanimously accept and endorse the amendment proposed by my colleague the member for Ottawa Centre.

The section was put into Bill 7 as an amendment to the Human Rights Code for the

purpose of assisting handicapped persons in the job market, for the purpose of requiring employers to provide assistance to handicapped persons and to groups of handicapped persons in the place of work. My friend described it as the inclusion of a defence. I would rather look at this section as a positive step in favour of and for the assistance of handicapped persons rather than in the way she put it, as a defence available to the employee. I suggest that is a rather negative approach to things.

My friend assumes somehow that most employers will attempt to resist or defend against initiatives by handicapped persons to obtain assistance in the place of work. Quite frankly, my experience in this regard—and I have had some experience in my riding from various organizations that I belong to—is that this is not always the case. Very often there is considerable co-operation from employers, and considerable initiative is taken by employers to assist handicapped persons in their employ.

That may not always be the case, but I like to be positive and to think this section in general was proposed as a positive measure to assist handicapped persons. However, the use of the phrase "business inconvenience" as a way in which employers might opt out of the clause makes it a little too easy and perhaps goes a little too far.

There are several other methods by which a reasonable balance or compromise can be reached between the necessity of the employer to provide the accommodation and the needs of the handicapped person. I refer particularly to the wording used in the section, which includes cost and makes specific reference to outside sources of funding in regard to assessing the cost. I think that is sufficient if the commission finds the cost is overwhelming.

We hope that in the initial phases of hearing cases of this nature there will be a bias within the commission in favour of the handicapped people in this regard and that it will arrive at a set of rules and regulations and precedents that are of great assistance to handicapped persons, but on the other hand strike a balance that is not onerous, or overly so, on employers of handicapped persons.

Therefore, my party and I will be supporting the deletion of the term "business inconvenience" as something that is quite nebulous and perhaps not as well defined as the other terms used in the section and therefore should not be there.

16:20



**Hon. Mr. Scott:** We should make it plain, first of all, that this government is anxious to extend—indeed, moved the provisions that were designed to extend—the right of handicapped persons to complain to the human rights commission in the event that access was not available to them. We have taken that initiative; we are proud of it, we think it is long overdue, and we do not deviate from it in any particular.

In modelling the legislation, we had the advantage of the experience of the federal government, whose legislation we have duplicated. Even more important, and perhaps to some as compelling, we have had the example of the late socialist government of Saskatchewan, which used precisely this language and insisted on business inconvenience as one of the criteria in its legislation.

There was a lot in what it did then. To explain, let me see whether I can unpack the legislation. Before doing so, let me say that this section, as far as I can tell, has nothing to do with the Bhinder case. The Bhinder case and the O'Malley case were decided differently, because the O'Malley case was decided under the Ontario Human Rights Code, which has an explicit definition, and the Bhinder case was decided under the Canadian Human Rights Act, which does not.

**Mr. Philip:** That is what I said.

**Hon. Mr. Scott:** That is what the member said, but it has nothing to do with this legislation except to point out that, in this legislation, Mr. Bhinder would never have faced the problem he faces under federal legislation. If the member were making a case for an amendment to the federal code, I could understand it; it is not necessary here. If Mr. Bhinder were dealing with an Ontario-regulated employer, he would find that the standard of the section is apt, according to the Supreme Court of Canada's test in O'Malley, to meet his concerns. That is point one.

Second, let us understand that neither cost nor business inconvenience nor any of the other criteria are defences. The defence to a discriminatory act—for example, the refusal to provide access—is undue hardship, and the section currently makes that plain; I quote: "...unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs."

Thus, undue hardship is the defence, following the Saskatchewan model, which this legislation adopts. However, it is a defence that is

limited to certain criteria, because the section goes on to say that in looking at what undue hardship is, you can consider—it does not say "only," but by implication only—"the cost, business inconvenience, outside sources of funding," which would be an offsetting factor, "if any, and health and safety requirements, if any."

The honourable member proposes that business inconvenience should be removed as one of the criteria against which undue hardship will be measured. That will mean undue hardship will be referable only to the question of cost, outside sources of funding or health and safety requirements.

Let me say to the member that I am entirely sympathetic to the proposal and in the end, since I know how to count, will probably submit to it; but I am concerned about it.

Let me give an example. If an employer carries on business in a historic Ontario building and if access to that building is requested by a handicapped person who may require an elevator to get to the services provided on the second floor of that building, the owner of the building or the business, in resisting the application for access, will be obliged to show that it would be a matter of undue hardship to install the elevator in that historic building.

Would it be undue hardship in terms of cost? No. The building may be owned by such a munificent employer as the provincial government, Ontario Hydro or some conservation authority. Would it be restrained on the grounds that there were outside sources of funding? No, because that does not prevent the introduction of the elevator; it simply says how the elevator costs can be defrayed. Would there be any health or safety requirement that would prevent the introduction of the elevator? Of course not.

The result is that the tribunal may find itself confronted with the fact that because "business inconvenience" and the meaning that has been given to it in existing legislation have been removed as a criteria for undue hardship, that argument cannot be advanced.

That is not the end of it. "Business inconvenience" has been given a broader meaning in the cases. For example, there may be an organizational inconvenience that has significant effects on the respondent employer or owner because of business disruption. Timing can be a business disruption that is not effective with respect to being measured in terms of costs. There may be an adverse long-term or short-term effect on productivity, efficiency or effectiveness. Modifications may be required that make unreason-



able demands on an employer's other employees that would not be reflected in costs. There may be a significant loss in capacity to earn revenues, taking into account the ability of the respondent to absorb the loss, which may not figure as a cost factor.

I make these points to the honourable member, and I note as the member for Oakville (Mr. O'Connor) has noted, that this is by no means an exhaustive list of the considerations that will be removed from the board of inquiry by this amendment. We are making a determination here—as I say, I may very well end up supporting it, knowing how to count—that will alter in a significant way the Human Rights Code in this province, not only with respect to the handicapped but also, because the amendment is made to section 10, with respect to any other act of systemic discrimination to which section 10 provides the defence.

I would not want the members of the Legislature to vote on this without understanding that in legislation of this type there is a subtle balance to be drawn between, on the one hand, the rights of the handicapped to whom we owe access to commercial premises; and on the other hand, from time to time, employers and businessmen and businesswomen who after all are driving the economy of the province and the country by creating jobs, to save them not only from cost implications that produce undue hardship but also from business inconvenience that creates undue hardship. To say as the member for Ottawa Centre and the member for Oakville do that business inconvenience adds nothing to the defence of undue hardship is to ignore the reality and the decided cases.

Therefore, I caution all members of the Legislative Assembly to think very carefully before this fundamental change is made. In principle, it is an attractive one. Even the horrid socialist government of Saskatchewan blanché at doing this. Why? Not because it was horrid and socialistic, but because it carefully recognized the balance that had to be drawn between rights on the one hand and rights on the other.

That is the amendment. The following two proposals are sequential amendments. Both the New Democratic Party and the Conservative Party, a recent convert to such considerations as this, have agreed to support the amendment and so, with reluctance, will I.

16:30

**Ms. Gigantes:** This has been a delightful contribution by the Attorney General. I would like to refresh his mind as to who first brought in

amendments on this subject during our discussions on Bill 7 in committee. While he and his staff worked very hard once the initial amendments were moved or tabled in committee to try to work out an agreeable way of proceeding in this matter with all-party support, he is quite wrong to take credit for having initiated this effort, and I am sure his staff will remind him of that.

When he talks about Saskatchewan and the government of Saskatchewan, what he is referring to is a very progressive government for its time that moved well ahead of this province in looking for a way to help handicapped people find real, true employment opportunities. While we give them credit, we are not bound in 1986, many years after they moved, to provide exactly the same kind of legislation.

The third point I would like to make, and I know other members of the Legislature will want to consider it very carefully, is that the very excellent way in which the Attorney General has described the profound implications of "business inconvenience" is a lesson to us about the dangers of leaving that phrase in the legislation. He has just given us an example of what a good lawyer can do with that phrase. That is exactly what we have seen.

Somebody such as the Attorney General or even a little fraction less than the Attorney General in terms of capability, if hired by an employer in cases of this nature—the employer could be of any size; the Attorney General insists on talking about small businesses driving the economy of the nation and so on, but we can be talking about very large businesses. Unless there is some way of costing it, we have just had a lesson from the Attorney General as to how convoluted what I will call a defence can be. He has given us six or seven suggestions as to how this phrase "business inconvenience" can be put to good use by employers who are resistant, for whatever reason, about defeating the application of a handicapped person to have accommodation in a place of employment.

The other little lesson I would like to draw to the attention of the Legislature without provoking any ill will around here, because we will be looking for lots of goodwill when we get to other amendments today, is that I have the very distinct feeling that had the Attorney General not known that two of the three parties would be supporting this amendment, he would have supported it himself on behalf of the government. Finding instead that the Progressive Conservative Party and the New Democratic Party had come to that

place of understanding where they were going to remove this phrase from the bill, he decided he was going to stand forth as the shining knight of small business, the component of our economy that drives the nation's economy.

It is so nice to see him cast himself in that role. He feels so uncomfortable whenever he is doing things such as discussing equal pay or matters of that kind about which any of the friends of the Liberal Party who happen to be business people and have the ability to make contributions to the Liberal Party for electoral purposes and so on might feel a little clammy-handed and a little nervous and anxious.

It is a very nice little role he cast himself in this afternoon. But he should be ashamed. He knows perfectly well we should not have this phrase in our Human Rights Code. He has just proved to us why we should not have it. I hope he will not be so grumpy when we pass it as not to accede to our desire to have it proclaimed and operative in the way he would like it in Ontario in 1986.

**Hon. Mr. Scott:** On a point of order, Mr. Chairman: The record will reveal that the amendments about the handicapped were proposed in my statement to the standing committee on administration of justice first, before anybody else, on January 29, 1986, and were moved, as I understand it, although I do not now have the record, by a Liberal member of the standing committee.

**Mr. Chairman:** That is not an appropriate point of order.

**Mr. Philip:** I would like to respond to the minister's comments. I find the suggestion that somehow Bhinder would have won in an Ontario court or indeed that O'Malley did win in an Ontario court to be outside any sense of the history of what has happened. In the case of O'Malley, the court ruled there was an onus on the employer to try to remedy the problem and only if reasonable grounds had been taken by the employer would he have the right to continue to discriminate. That was the ruling in O'Malley.

What the minister fails to take into account is that since the O'Malley case, the Ontario act has been amended. The case of O'Malley was decided under the old statute, but it was decided that there was discrimination by consequential discrimination as a result of common law rather than as the result of anything that existed in statute. When the new Human Rights Code came in, it was decided to incorporate the concept of constructive discrimination, which is similar to consequential discrimination. That happened in 1982, except they allowed for exemption where

the requirement was reasonable and not made maliciously.

If we do not take out the section that my colleague is trying to remove, we are leaving in the argument of reasonableness. Lawyers I have shown this to, having looked at both the O'Malley case and the one the Attorney General was more directly connected with, the Bhinder case, have advised me that under the new legislation, the Ontario law since 1982, both Bhinder and O'Malley would probably have lost.

**Hon. Mr. Scott:** O'Malley won.

**Mr. Philip:** O'Malley won by the old statute.

**Hon. Mr. Scott:** They could not lose now if they won before the amendment.

**Mr. Philip:** If it were retried—the Attorney General is trying to play games. If the O'Malley trial were to come up today rather than pre-1982, O'Malley would probably lose.

**Hon. Mr. Scott:** This section is better than when it was tried.

**Mr. Philip:** That is not the opinion of human rights lawyers I have consulted.

**Hon. Mr. Scott:** I thought it was your opinion.

**Mr. Philip:** I am sorry the Attorney General has such a tender ego that he cannot accept that some of his colleagues in the legal profession have opinions different from his. I am sorry if I have upset him by bringing up a case that he lost in the Supreme Court; that was not my intention. I was simply trying to argue the merits of the case and express my disappointment that he happened to lose the case on behalf of his client.

I am not a lawyer, but I do come from a business background, and listening to the comments of the minister, I wonder how one can have a negative effect on productivity without having an effect on cost. I ask the minister, how can he explain that? Can he explain that to any business manager? The fact is that one cannot, and to suggest that this is somehow needed for business is pure nonsense. The bottom line is the ledger, and if it does not have a direct effect on cost one should not allow the discrimination.

Motion agreed to.

**16:40**

**Mr. Chairman:** Ms. Gigantes moves that subsection 16(1a) of the Human Rights Code, 1981, as set out in subsection 18(9) of the bill, as reprinted by the Attorney General, be amended by striking out "business inconvenience" in the fifth line.



Motion agreed to.

**Mr. Chairman:** The next amendment the chair has is an amendment to subsection 18(13) of the member for Oakville.

**Hon. Mr. Scott:** If I may intervene, the member for Ottawa Centre has a third member's motion that deals with "business inconvenience."

**Mr. Chairman:** Yes, that is subsection 18(14). To get this argument out of the way, does the committee give unanimous consent to go to subsection 18(14) and then back to subsection 18(13)?

Agreed.

**Mr. Chairman:** Ms. Gigantes moves that subsection 23(2) of the said act, as set out in subsection 18(14) of the bill, be amended by striking out "business inconvenience" in the sixth line.

Motion agreed to.

**Mr. Chairman:** We are back to subsection 18(13).

**Hon. Mr. Scott:** Subsection 18(11) is the sports amendment, which was designed to permit young girls to complain to the Ontario Human Rights Commission. The party of the member for Oakville vigorously dealt with this in committee, and I want to know whether it has any amendments to propose to this section.

**Mr. O'Connor:** He is out of order. Sit him down.

**Mr. Chairman:** Order.

**Hon. Mr. Scott:** They have no amendments.

**Mr. Chairman:** Order.

**Mr. Harris:** We may have a number of amendments to several sections of the bill. We may have a number of things we want to talk about in the bill. I remind the Attorney General that when he gets up on his feet, he is on television and out of order with some of his supercilious, stupid comments.

**Mr. Chairman:** Order. Back to the member for Oakville.

**Mr. O'Connor:** I thank the Attorney General for his very useful intervention.

**Mr. Chairman:** Order. Let us not prolong it.

**Mr. O'Connor** moves that subsection 18(13) of the bill, as reprinted by the Attorney General, be struck out and the following substituted therefor:

"(13) Subsection 20(4) of the said act is repealed and the following substituted therefor:

"(4) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination because of family status is not infringed by discrimination on that ground where the residential accommodation is a unit of a condominium and the bylaws of the condominium corporation restrict occupancy of the units on the basis of family status."

**Mr. O'Connor:** By way of brief background explanation to this amendment, I point out that at the committee stage of the hearings of this bill, subsection 20(4) of the Human Rights Code was deleted after considerable debate. I think it was unanimous among the members of the committee.

We received considerable evidence from a considerable number of delegations, some 20 to 25, with respect to that matter and the difficulty and the problem that was arising in allowing that section to stand. The problem, as enunciated by the groups that came before us, related solely, exclusively and only to apartment buildings, particularly in the Metropolitan Toronto area, and particularly, I might say, in the Etobicoke area. The member for Etobicoke (Mr. Philip) is still here.

The case was made by groups and individuals that, because of the right of apartment owners to designate their buildings as being for adults only, many were availing themselves of that right and were therefore severely restricting the amount of accommodation that was available, particularly to lower-income families, single-parent families and younger families whose only option is apartment living, who have not accumulated sufficient capital to own their own premises. The committee saw in its wisdom—with which I agreed entirely at the time—that this was a serious problem that had to be met, and we therefore deleted the subsection completely.

There was no discussion whatsoever of the effect of deleting this subsection on condominium buildings in this province. I and, I warrant, the other members in the committee simply did not put our minds to the condominium situation. It was brought to my attention after the amendment was passed—and in fact, legal opinion since then has confirmed this—that it could affect condominium corporations in Ontario, which, according to their bylaws, have had the right to pass an adults-only restriction.

We can make a clear distinction between the apartment building situation and the condominium corporation situation. The condominium corporation is an organization of owners of



property. Each of the dwellers in that building is the owner of the fee simple of his particular unit. In many instances they have invested significant amounts of money, as have most home owners; it is perhaps the largest single purchase the average family makes during its lifetime. They have a significantly different interest in the dwelling in which they are residing from that of an apartment resident, who is of course renting the premises on a short-term basis, usually for a period of one year.

The situation is such that they are, by statute passed by this Legislature, permitted to pass bylaws regulating and governing the conduct of the various owners of those buildings. They are permitted to determine what the owners can do, because of the unique situation of their living in premises that are owned by them in cheek-by-jowl situations, sharing common hallways, sharing common recreational facilities, sharing the landscaping outside the building and sharing the underground parking facilities, a situation that is quite different from that of the other type of fee-simple owner who resides in his own home on a street and does not live in close communion with his neighbours, nor does he share facilities in common with his neighbours, as is the situation within a condominium building.

Thus, there is a real distinction between condominium owners and apartment dwellers, and condominium owners and other types of owners of fee simple. I want to make the case for that clear distinction or difference among these other types of dwelling situations. There is that real distinction in law, which is a law established, as I say, by this Legislature through the Condominium Act.

The majority of owners within a building have the right in law, as is not the case with the owners of single-family dwellings on a street or in a residential neighbourhood, to get together and decide in their own best interests the kinds of rules and regulations that should apply to all of them within that building. If there are some within the building who do not like the rules and regulations, they can, in the democratic process, argue against the passage of that bylaw and vote against the passage of that bylaw. But if the bylaw is passed, they then agree, through their acceptance of the condominium corporation rules as they enter the building, to abide by the balance of the bylaws that affect all of them in that situation.

#### 16:50

The practical effect of my amendment will be significantly different vis-à-vis condominium

corporation owners and apartment dwellers. As I said at the outset, it was necessary, in my opinion, to pass the amendment deleting section 24 as it related to apartment building owners because of the number of apartment owners who had availed themselves of the right to designate their buildings as adults-only.

We heard figures that in some places—one that comes to mind is the city of Etobicoke, where 73 per cent of apartment owners designated their buildings as adults-only. It is a totally unacceptable situation to exclude the numbers of young families and single-parent families from occupying 73 per cent of the apartment buildings available and to leave them a mere 27 per cent. That is not a situation we could live with, and it is a situation we all saw necessary to change.

In the condominium situation, the figures are quite different. It is estimated that approximately five per cent or fewer of condominium corporations in Ontario have chosen to designate themselves as adults-only. Thus, the difficulty from a practical point of view does not exist, as was expressed to us by many delegations before the committee.

For the most part, owners of condominiums are older. After raising their families in single-family dwellings or on farms or in other types of accommodation where they have had to be involved in the maintenance and upkeep of their dwellings, such owners have chosen in many cases to retire to a building where much of the upkeep is done by staff hired by the corporation. These people are, for the most part, older retired people.

The amendment I am proposing would leave open one additional option to people in terms of residential living. We would still have the single-family dwelling unit. We would still have the entire apartment stock in the province, and we would still have 95 per cent of all condominiums. We would still have co-operative housing and the vast array of other housing available to families with children.

The net effect of my amendment would be to reserve a very small segment of the housing stock to leave open the option for persons in the categories I have mentioned to choose a lifestyle which, after long years of hard work and the investment of most of their savings in the condominium, should be available to them.

I am fully in favour of extending our nondiscrimination laws as far as possible. It is not possible, though, to be totally nondiscriminatory against all segments of our society. We accept discrimination against certain groups; for

instance, against children with respect to a vast array and area of situations. We do not allow children under age 16 to drive an automobile. We do not allow children under age 18 to contract. We do not allow children under certain ages to marry.

We do have defensible and reasonable laws and restrictions with respect to children. We should be prepared to extend to other segments of society certain rights and freedoms that they, after many years, have enjoyed and have earned.

I do not think there will be any significant impact on the right of children to find accommodation or on the right of young families to find accommodation as a result of this amendment, but it will have the significant positive result of allowing a small segment of our community to continue with the option it has chosen of enjoying the hassle-free environment, shall I say, of condominiums, which in most cases have been developed with the expectation that there would not be children on the premises. That is, the recreational facilities, the swimming pool and other amenities in existing adults-only condominiums have not been developed for the most part with children in mind and are therefore not amenable to young kids in the buildings. It may be quite an inconvenience to families with young children; in many situations, that would be the case.

Quite frankly, as the Attorney General said in relation to another amendment, he can count and I can count, and since I realize that both the government members and the New Democratic Party members have indicated their opposition to my amendment, I am not optimistic that this amendment will pass. Notwithstanding the fact that my argument is perhaps overwhelming for some—it certainly was for the members of my caucus—they may yet, as my colleague has indicated, succumb to the wisdom of this argument. However, I ask them to give serious consideration to the fact that very few people will be affected by this. It will allow a certain segment of our community to preserve a lifestyle it has chosen. They wish to continue to reside in buildings of this type.

I welcome questions from any of the members with regard to this.

**Mrs. Grier:** I regret to have to say to the member for Oakville (Mr. O'Connor) that, having listened very carefully to his argument, I cannot, and neither can my party, support the amendment he has put before the committee this afternoon.

The arguments he has put forward in favour of allowing condominiums to have this right to discriminate could well be extended into other forms of housing. What is to prevent a subdivision or a townhouse complex that becomes a condominium, or something else, saying it wants that right?

While he is arguing that only five per cent of condominiums are now adults-only, I think that was the situation some time ago when the Human Rights Code was originally passed and allowed discrimination against renters in apartment buildings. I suspect many more condominiums may well be forced to take advantage of the loophole that the member will be creating if his amendment is passed.

Also, acceptance of this amendment may well cause confusion in those buildings where some units are rented and some are occupied by their owners. How do we get into who has the right to discriminate and who has not?

I am very pleased we are today going to eliminate section 24 of the Human Rights Code, because I think that is once and for all saying there are no classes of accommodation in this province within which discrimination on the basis of family is allowed. That is as it ought to be. I am delighted, certainly on my own behalf and on behalf of many tenants, that after a very long struggle we have come to this point to eliminate this section of the Human Rights Code.

I know how touchy the Attorney General is about taking credit for all amendments that come before this House, but I do not think he can contradict me if I say it was my amendment that was first moved in the standing committee on administration of justice, accepted by the Attorney General and has now, I hope, been accepted by all three parties.

Acceptance of that amendment corrects a long-standing injustice against families. In the context of Bill 7, we have had much discussion of family values and the need to strengthen the family, and by adoption of this amendment we have an opportunity to take very positive steps in that direction.

### 17:00

It is worth pointing out that the disproportionate number of people affected by the ability to discriminate against children in the rental business are women. Most of them are poor women. The vast majority are sole-support parents. Eleven per cent of all families in this province are single-parent families, and one child in 10 is in a single-parent family.



At the hearings into this clause, we heard moving stories about the problems faced by those families in trying to get accommodation. We heard of families forced to move when they had children. We heard of mothers who were on their own having to ask their spouses to join them in signing a lease so they could get accommodation. We heard from people in shelters and transition houses who were absolutely in crises because they could not find accommodation as the vacancy rate had fallen.

We heard a lot of evidence that it was not the choice of tenants to have adults-only buildings; it was the choice of the owners of those buildings. By and large, the people who lived in adults-only buildings were not necessarily seeking a child-free environment; they were seeking well-maintained, affordable housing. As the vacancy rate has dropped, less and less well-maintained, affordable housing has become available to lower-income families with children.

In Etobicoke, the campaign to eliminate this section began in 1981, shortly after the Ontario Human Rights Code became law. There had been discussion in the House about this clause when the Ontario Human Rights Code was adopted. At that time, both the Liberals and the New Democratic Party moved that it be deleted. In fact, we are almost at the fifth anniversary of the adoption of the Ontario Human Rights Code. It received royal assent on December 11, 1981. Ever since that date, tenants and the tenants' movement have been trying to have subsection 20(4) deleted.

The minister at the time the code was adopted said it was an issue of housing supply and that municipalities that were experiencing problems could apply for special legislation. It was amply shown in the hearings into this bill that the special legislation, as it was enacted to the city of Toronto, did not work. Etobicoke decided to seek legislation in 1983, and when we came before the standing committee on regulations and other statutory instruments, that special legislation was supported. However, it was again obvious that it was not going to be the way to go and that under the Planning Act we were not going to be able to ban adults-only apartment buildings.

The member for Oakville has alluded to the fact that it was mainly people from Toronto and Etobicoke who appeared before the committee. That may well be the case. The committee met only in Toronto. However, the problem in finding accommodation for families with children is not only in Toronto. Especially in cities

such as Kitchener, Cambridge and London, there has been great support for the removal of this clause.

The accord between the Liberals and the New Democratic Party called for an expansion of the budget and the role of the Ontario Human Rights Commission in the fields of discrimination and housing. I hope that in supporting this amendment today, the Attorney General will look back to that clause in the accord and begin to put in place the mechanisms that will make sure this clause is enforced when we repeal subsection 20(4). Not only must we make the legislative change, but also we need much better awareness that this discrimination will no longer be allowed.

We also need much better enforcement by the Ontario Human Rights Commission of the clauses in the code that apply to housing. We need sensitivity on the part of the members of the commission and its staff to the problems faced by low-income families. It is not good enough for a family to call and claim it may have been discriminated against only to be told someone will get around to looking at it two or three months from now. The problem is too acute for that to be allowed to happen. We must have faster intervention when complaints are received.

We must have a review by the commission of the application forms now used in many apartment buildings for those seeking accommodation. Tenants are asked about their income, their marital status and a number of other things that can be used to discriminate between them when they seek accommodation. There has to be some action to look into that.

When we looked at the report of the Ontario Human Rights Commission, we found that in 1985-86 there were only 13 awards against landlords as a result of complaints about discrimination. The total damages awarded amounted to less than \$9,000. When one thinks that the total settlement in all areas under the code was more than \$1 million, one can see not that there is no discrimination in housing but that there is no adequate enforcement and not enough proactive activity on the part of the human rights commission to make sure discrimination can no longer exist.

As I said, it is a historic occasion to eliminate this section of the code. Unfortunately, it has taken a very long time to come to this point. I certainly appreciate the support that tenants have had from all sides of the House, and I look forward to a new day dawning, I hope, after 4:45 today. We cannot wait much longer.



**Mr. Philip:** My colleague the member for Lakeshore (Mrs. Grier) has said much of what I wanted to say concerning the great need in Etobicoke for this legislation. I want to address my concerns to the member for Oakville. Nothing under the current legislation would prevent any developer from developing a seniors' condominium. Seniors' condominiums are being developed, as are resorts of various kinds and housing developments, and they are not in any way affected by this legislation.

If members look at the court decision of York Condominium 216 versus Borsodi, I suggest that in 1983 when that was taken, much of the thinking that has gone on in the interim in looking at human rights was not in the forefront. Were that to happen today, some other considerations might be looked at.

In the city of Etobicoke and elsewhere, a great number of rental apartment buildings are being developed as condominiums; whole buildings are being rented out. If the government allows developers the opportunity to build rental accommodations that are registered as condominiums, then it is telling any builder who wants to build an adults-only rental building that this is the way to do it.

While I have empathy with some of the arguments the member has made and with the fact that he is talking about only five per cent of present condominiums that are adults-only condominiums in their declaration, and perhaps a majority of those have seniors in them or at least people above the age of 55, my concern is that the amendment will open the floodgates to what amounts to rental accommodation in the guise of condominiums. Unless there is some way of getting around that problem, I see no way at present in which we can support that kind of amendment.

**Hon. Mr. Scott:** I want to add a word about this in support of what the member for Lakeshore has said and through her to communicate with the condominium owners who may be concerned about this legislation.

First, many of the condominium owners in Ontario who think they are living in adults-only buildings are not living in adults-only buildings. There is more than one recorded example of buildings that are advertised as adults-only buildings in which there is not and never has been the requisite bylaw and where at the end of the day the remaining units are sold to families with children to complete the condominiumization of the exercise. Many of the people out there who with the best faith in the world believe they are

living in adults-only buildings are not in fact so living. It is estimated that 15 per cent of condominium owners in Ontario think they are in adults-only buildings, but only two per cent or fewer are.

### 17:10

It is possible a building that is not now an adults-only building could become one by the passage of the bylaw, but the reality is that it is highly unlikely because of the bylaw passage requirements. What we are doing is creating an exception for a very small class. Even under the Conservative proposal, we are not creating an exception for all those people who think they live in adults-only buildings, because they do not. To say we pass this for them is really to maintain one stage longer that charade of which they are in a real sense the victims.

The member for Lakeshore has made this point and I will not repeat it, but today we are saying there can be no discrimination in housing because the applicant has children. There is only one restriction on that, and that is if the landlord-owner shares a bathroom or kitchen facility with the person to whom the assignment or rental is to be made.

We are saying that when the member for Oakville rents his house, he cannot say it is an adults-only house. When he rents a row house, he cannot say it is adults-only. There will be no rental premises in Ontario to which this restriction will henceforth apply.

The only difference between rental accommodation and ownership accommodation is the matter of title. If title were taken in Ontario the way it is taken in England, normally by 99-year lease, there would be no problem at all. I respectfully submit to the member for Oakville that his efforts to protect the interests of this group would not protect them in the first place and are inconsistent with the thrust of the legislation in the second place.

There is another danger that is even more important. I have it from persons who study these things that if an exception is made for condominium owners, distinguishing them from tenants, an attack can be made on the adults-only section based on section 15 of the charter, which is designed to advance equality rights. Under section 15 of the charter, the Legislature of Ontario would then be discriminating between those who rent and those who buy under the Condominium Act, allowing one kind of title to one and another kind to another. That discrimination would have to be justified under section 1 of the charter, and there could be no basis for any

distinction in a free and democratic society between a policy of allowing children in one kind of building and not in another.

Conscious of the interests of both groups, I ask the House to oppose the proposed amendment.

**Mr. Harris:** I am disappointed that members of the two opposition parties, as I call them, are not supportive of the amendment that has been put forward.

**Mr. McClellan:** As you used to call then.

**Mr. Harris:** I still do. I acknowledge that not everybody phrases it that way, but I still do.

**An hon. member:** We construe it as detracting from your leader's words.

**Mr. Harris:** I do not know why you would construe what I am saying as being contrary to anything my leader has said about the duration of this parliament. When I refer to the various political parties in Ontario, I consider there are two that are opposite to me. Come election time, that appears to be the case; so that is why I refer to them in that way.

As I say, I am disappointed the Liberal Party and the New Democratic Party are not supporting this amendment. I would like to associate myself with the remarks made by the member for Oakville when he discussed the unique aspect of condominium ownership. It is a form of ownership in today's economy that, regrettably, is the only hope or opportunity for home ownership of many members of our society in Ontario. It affects a large number of people.

The member for Oakville referred to the unique nature of this form of home ownership in that it involves not only owning a particular unit but also a coming together and mutual sharing of many facilities that make up the condominium corporation. As well, many of those facilities were designed for adults-only accommodation.

If this goes through, I can see that there could be occasions when owners of premises could be pushed into facilities and expenses they neither anticipated nor found desirable when they bought and that they do not particularly want to have to make. I am talking about facilities to accommodate children that were not incorporated into the original design of the condominium home ownership agreement they entered into when they bought.

We are dealing with the rights of various people. Invariably, when we get into these situations, we are faced with a choice of taking away the rights of some to ensure the rights of others. We have to weigh carefully and balance the net effect or net good we are doing by opening

the very few condominium corporations that are adults-only or are likely to be adults-only versus the number of people who are having difficulty finding accommodation.

In her remarks, the member for Lakeshore referred to the number of single parents—and in most cases that means single women with children—who have difficulty finding accommodation. I may be wrong, but it has been my experience that the type of accommodation that might be gained by renting somebody else's condominium is not usually in the price range in which the people she is referring to have difficulty in finding accommodation.

There may be a very small limitation of choice for some people who want to rent condominiums that are owned by others in an adults-only condominium setting, but I submit those people are probably looking at paying a considerable amount for the rent in those adults-only condominiums; they are not likely to be in the low end of the market. The options for those people in renting would be significantly higher than they are for those who seek affordable accommodation on low incomes.

We have to weigh what small negative there may be versus the rights of property ownership, home ownership, and the rights of those who have entered into an agreement and purchased a condominium on that basis.

**17:20**

The Attorney General's reference to the charter and to the possibility that if this amendment put forward by the member for Oakville were to carry it would open up the province or this bill to a charter challenge, I found to be a bunch of crap. I do not believe that. I do not share the Attorney General's opinion. I might add that if property rights were entrenched in the Constitution, as they should have been originally and as I hope one day they will be, that might take care of it. I do not know; I am not a learned member of the bar. But I do not find the Attorney General's argument compelling.

In my experience as a layman, I have found that most of the rulings on the charter have come out on the side of common sense as opposed to the side of some technicality, and I do not accept the Attorney General's argument in that sense.

I think the member for Oakville and I have balanced carefully the rights that will be infringed, with or without this amendment, and I tend to come down on the side that we are doing more damage, or infringing on the rights of more people unfairly, by not accepting the amendment



for condominiums than we are by accepting the amendment for condominiums.

I encourage the Attorney General, who has not listened to a word I have said—

**Hon. Mr. Scott:** Yes. I heard it all.

**Mr. Harris:** Oh, he has.

**Hon. Mr. Scott:** Especially the bit about the charter, the load of crap.

**Mr. Harris:** If he has listened, he may want to reconsider his position, and we may have an unexpected reversal here in the Legislature. If he has listened, he will find my arguments do make a lot of sense, as they do to a lot of people.

In view of the fact that this amendment is not likely to carry, I would like to ask the Attorney General about the aspect of retroactivity. I have had conflicting views expressed to me about whether, by removing completely subsection 20(4) of the Human Rights Code without accepting the amendment put forward by the member for Oakville, it can be retroactive.

It strikes me that it must be retroactive, and the Attorney General is nodding. Perhaps he could explain to me the retroactivity part of it, and I might have a wee additional comment based on that response.

**Hon. Mr. Scott:** It is not retroactive in the technical sense. It means that any adults-only bylaws that exist, in those few units that have them, cannot be enforced in the future.

**Mr. Harris:** I understand what the Attorney General is saying. It is in fact retroactive.

**Hon. Mr. Scott:** No.

**Mr. Harris:** He is saying they cannot be enforced.

**Hon. Mr. Scott:** They can be enforced yesterday, but they cannot be enforced tomorrow.

**Mr. Harris:** Therefore, it is retroactively changing the rules of condominium ownership for people who bought a condominium last year, the year before or the year before that or who have bought under some terms of agreement. Now I am really concerned. I do not understand. Not only have I given him a view that I share about whose rights are being infringed more, on balance, by accepting this amendment, but he is also now telling me he is retroactively going to be changing the home ownership rules under which individuals bought these homes.

The Attorney General knows all about these challenges, but I am not certain that somebody who bought a home under certain rules and conditions a couple of years ago is not subject to

some form of redress by a Legislature that turns around and says, "Too bad about what you thought you were buying when you bought your own home." Property rights are one of the most sacred rights we have in this country. He now is going to tell them, "You did not buy what you thought you bought, and you do not have the power to live in the type of environment where you want to live." If it is the case that it has the effect of negating an understanding people had, then I feel even stronger about the lack of acceptance of the amendment put forward by my colleague the member for Oakville.

If he is doing something I disagree with, but I give him the right to do it from here on in for new condominiums, he is violating the property rights of the people who have already purchased condominiums under an understanding he now is going to change.

**Hon. Mr. Scott:** On the last point, when the government of George Drew introduced the first act in 1944, it was retroactive legislation, as my friend the member for Nipissing (Mr. Harris) will agree. It simply said that as a result of the Drummond Wren case, any conveyances or agreements that prohibited sales to Jews would henceforth not be enforceable. I am sure that at that time Premier Drew had the same difficulty everybody subsequently has had in persuading members of his caucus to support what they perceived to be retroactive legislation. In that sense, it was not retroactive at all. It simply said that henceforth that kind of clause, agreement or provision would not be enforced by the courts, and that is what we are doing today.

**Mr. Harris:** I find it a little offensive that the Attorney General is treating property rights in the same vein as the example he gave this House. It is typical.

**Hon. Mr. Scott:** That was property rights.

**Mr. Harris:** He can argue semantics all he wants. In effect, it is retroactive. He tried to say it was not retroactive.

**Hon. Mr. Scott:** It is not retroactive.

**Mr. Harris:** It has the effect of being retroactive. He can play semantics if he wants, but in effect he is changing the rules of the game for condominium owners who I believe have some rights, some property rights and rights of home ownership, one of the rights I consider to be most sacred. I accept the rights he is trying to protect by rejecting this amendment. I think I have given reasoned arguments that the rights he is trying to protect are not causing significant problems and are not of the same weight as the



problems he is causing by rejecting the property rights of condominium owners.

**Mr. Gordon:** I would like to comment on the amendment that has been put forward by the member for Oakville. The fact that this government is not willing to allow property owners to do what they believe is proper with their property in the case of condominiums is a good illustration of how far down the tube we have gone in taking away people's rights.

I keep hearing people talk about what a free country we have and how great it is to live in Canada. When I go to the Caruso Club in Sudbury and talk to many Italian Canadians at that Caruso Club, they are the first to tell me or any other visitor how good Canada has been to them and how much it means to them that they are able to own property, that they are able to have their own plot of land and that they are able to garden the way they want to garden or to make wine the way they want to make wine.

**Hon. Mr. Scott:** It is the kind of zoning.

**Mr. Gordon:** The facetious remark that just came from the Attorney General pretty well tells the tale. He said the problem probably lies with the kind of zoning that is involved with the point I am raising about the Italian Canadians.

**The Deputy Chairman:** Order.

17:30

Interjection.

**Mr. Gordon:** I notice the Minister of Health (Mr. Elston) wants to get involved. He too has brought in laws that are very restrictive, but that is part and parcel of the whole tenor of this government. It wants to take away rights from people. That is what it is doing in this case. It is not allowing people to decide their own destiny, to determine what they want to do with their property. It wants to take away all the rights from property owners. That is what it is doing. It is a shame. It is the kind of thing that makes people want to tear up their citizenship papers.

Where is the government going with this sort of thing? It is taking away the rights of people to determine what they want to do with their lives. There is no reason people living in a condominium should not have the opportunity to decide together what they want to do in that condominium. It is establishing a law that says they have to take children no matter what.

I know people in Sudbury who are currently selling their homes and planning to move into a condominium development in the city. They are doing that now that they have raised their families. They have put aside many of the

worries and problems you have when raising a family. They have done a good job of raising their families. The government is saying they cannot have a condominium corporation that says there cannot be children in that building. Why can they not have some peace and quiet in their later years? Why does this government insist upon taking away those rights? Whom does this government think it is protecting? This is reverse discrimination; that is what it is.

The member for Oakville has brought forward a very good amendment, and it is one we should be supporting in this House. I am very disappointed the government continues to go down the path of removing more and more rights from the people of Ontario. That is the whole bent of this government. We have seen it since the New Democratic Party and the Liberals joined together, and today is a very good example of a further step along that road.

**Mr. Taylor:** I would like to go on the record as supporting my colleagues in this matter. I have listened to the Attorney General and others. I appreciate the reference to the Drummond Wren case where, if I am not mistaken, the courts ruled it was contrary to public policy to discriminate in the fashion manifested in that case, through restrictive covenants and deeds. It was a codification of that public policy as enunciated by our courts that resulted in the Human Rights Code and the evolution of that code as we know it today. To equate that, as our House leader has said, with the application in a retroactive way to arrangements that were already made when the individual property owners purchased their units within that condominium is tantamount to retroactivity.

I am not talking about drawing a line and saying all those persons in the future who choose to purchase a condominium cannot restrict occupation in this fashion. We are saying that all those persons who have already made their arrangements, who have purchased and invested their moneys in a condominium building are now going to have those arrangements disturbed as a result of this legislation. That is what concerns our House leader and the member for Sudbury (Mr. Gordon), who has already spoken. I am concerned about another infringement on property rights, which are obviously not protected in the Canadian Charter of Rights and Freedoms.

I want to go on record as asking the Attorney General to reconsider this amendment.

**Mr. Shymko:** I have some problems with the concept of private ownership. Condominiums developed as a concept some 20 years ago, when

cost factors affecting the normal family home residence made it much cheaper to own a home in what had formerly been rental residential homes. Four walls without a backyard and the normal 1950s and 1960s concept of a private home became a condominium. It took a while for this concept to become entrenched, and today condominiums versus residential homes in an area are basically perceived as owner-occupied family homes.

The difference is a difference in cost. We know that in making a choice about buying a family home, a condominium private property is very often cheaper than a home with a piece of land, the traditional backyard, etc., and many families opt for a condominium residence for their home because of the cost factor.

I have a problem if I see a discriminatory law applying to 300 units, let us say, in one building that discriminates against families with children by means of a bylaw, as may be the case through this amendment. You would then have to allow a ghetto area of Mississauga or Sudbury with 300 residential homes to say that this area could, by a bylaw of the home owners' association of the area, discriminate against families with children. I think it could be challenged.

Once we pass this amendment, there is nothing to prevent 300 home owners in Mississauga who own properties that are not in a condominium building but are residential properties from organizing themselves and saying, "On the basis of this amendment, we will create a ghetto in Mississauga comprising the following 25 blocks or 15 blocks, which will, by right, discriminate against anyone with a family who wants to buy a home in that area." That is the problem I see with this amendment.

If that is true, there is no way I can support this amendment, if indeed it can apply in the area of ghettoized parts of a municipality. For that matter, a developer could say: "Here I have a development of 300 homes. All those who buy these homes can discriminate against children, because I know there is a market." He might well do that, according to this amendment. That troubles me; and there is no way, if that can be accomplished, I can support this amendment. Therefore, I will oppose it.

**Mr. O'Connor:** In answer to the last member's reasonable question, I point out that the statute that permits the current situation to pass bylaws is a statute of this Legislature. The Condominium Act permits owners of corporations to pass bylaws to govern their activities, within certain limits and restrictions, within their

particular building. No such statute or act would permit the situation my friend has put to the House. Therefore, there is a distinction or a difference, which I suggest, since he is now aware of it, will permit him to vote in favour of the amendment as I put it.

**17:40**

**Mr. Sterling:** I feel constrained to speak on this issue because in my riding—

**Mr. Rae:** If you were constrained, you would not speak.

**Mr. Sterling:** Not constrained.

In my riding of Carleton-Grenville, in the village of Stittsville on the outskirts of Ottawa, the first adults-only condominium was put in place some 15 or 20 years ago. The Attorney General is telling this House that the people who went there and invested their life savings under the law at the time, which permitted them to be assured they would live in an adults-only community—

**Hon. Mr. Scott:** They now can have kids.

**Mr. Sterling:** The Attorney General can joke about it, but these people would like to know why he is laughing. These people invested their lifetime savings on the legal understanding that the resale of their units would be based on the original rules set by that condominium corporation. I do not understand why this Legislature should make this law in effect retroactive to affect their type of tenure of their units.

In this case, in the Amberwood subdivision, the people acted in good faith under the laws of Ontario. To come back at them by introducing an amendment to Bill 7—I am sure none of them is aware of the effect of this. I do not think the members of the Legislature were aware of it until the member for Oakville brought it to the attention of the legislators.

I stand firmly opposed to this amendment, and I urge my colleagues to take into consideration what is happening. If it is the wish of the members of the Legislature to have this rule as a condition in new condominiums, that is a different game. To go back and change the law retroactively is not acceptable in any circumstances.

**Mr. Taylor:** It is confiscation of the peace and quiet of senior citizens in this province when the government disturbs an arrangement they have made to live in a complex of people of similar age. What does the government want to do this for?

Have they no respect for ownership? They do not seem to care about private property, contracts



that have been entered into or bylaws that are in place. What do they want to disturb this for? Have they no respect for arrangements that have been made, or as my colleague has said, for the hard-earned life savings that have been put out so someone can enjoy the peace and quiet of his senior years in a complex where he is undisturbed?

What are they doing this for? Why do they want further to disturb and confiscate the rights of people to the utilization of their private property?

**Mr. Philip:** What do you have against children?

**Mr. Taylor:** Shame on the member. Listen to him. He will be old one day and will want some peace and quiet. When the dog dies and the children have grown up and left home, he will enjoy the grandchildren, but not for ever. He too will be glad when they leave after a few days or a few hours.

Why do they not leave people with a little more freedom to live the lifestyle they want to live? What are they doing this for? What kind of government do we have?

**Mr. Chairman:** All those in favour of Mr. O'Connor's amendment to subsection 18(13) will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

**Mr. Chairman:** I believe the next amendment is Mr. Shymko's amendment to subsection 18(17).

**Mr. Shymko:** I move that section 18 of the bill be amended by adding thereto the following subsections:

"(17) Subsections 18(1), 18(2), 18(3), 18(4) and 18(5) are hereby referred forthwith, after the bill receives royal assent of these subsections, to the standing committee on the Legislative Assembly.

"(18)"—

**Mr. Harris:** Have we finished all the other sections of the bill? Is this it?

**Mr. Chairman:** Is this a point of order?

**Mr. Harris:** Yes, Mr. Chairman. On a point of order: I thought we had agreed we would deal with this amendment at the end of the bill.

**Mr. Chairman:** The member is moving it. It is not an appropriate point of order. He is in the middle of moving an amendment.

**Mr. Harris:** I would ask him to unmove it and sit down.

**Mr. McClellan:** We will have a major problem if we are not rational. Let me suggest we stand this section down until we have completed all other sections of the bill. Then the member can move his amendment to subsection 18(7) and two other amendments he has, which will conclude the debate in committee of the whole House.

**Mr. Shymko:** Mr. Chairman, I was surprised that you called me for an amendment. I thought there was a change from the original agreement that it would be done at the end. If that is the agreement, I would appreciate doing it at the end.

**Mr. Chairman:** That is the next amendment in order in front of the chair.

**Mr. Shymko:** Mr. Chairman, I would like some guidance as to whether I can proceed with this or wait until later.

I ask that this section be stood down until we reach section 70 of the bill, where there will be amendments that will impact on an amendment that has to be introduced to section 18; they are related.

**Mr. Chairman:** Fine. Thank you.

Section 18 stood down.

**Hon. Mr. Scott:** The next section that requires an amendment is section 23.

**Mr. Chairman:** No. The next amendment in front of me, unless there is some prior understanding, is from Ms. Gigantes, an addition of subsection 5a to section 18.

**Hon. Mr. Sweeney:** You are the only one who has it, Mr. Chairman.

**Mr. Chairman:** I can only go by what is in writing in front of me. A new subsection 5a is being added to section 18. Has the amendment been withdrawn?

**Ms. Gigantes:** Yes, Mr. Chairman. Forgive me.

17:50

**Mr. Chairman:** This whole procedure is somewhat irregular, in that we started on section 18 of the bill by unanimous consent. It would be normal to go back to section 1 and start on through. Is that what the committee prefers, the usual route?

**Ms. Gigantes:** I suggest that while we are in an amending mood, we should deal with amendments. The sections leading up to section 18 are unlikely to produce any amendments; so it would be a simple matter to go back once we had proceeded through the bill in the order we are now going and deal with sections 1 through 18.



**Mr. Chairman:** Is it agreed by the committee that we go through all the amendments and then go back to section 1 and go through them?

Agreed to.

**Mr. Chairman:** The next piece of paper I have in front of me refers to section 23.

On section 23:

**Mr. Chairman:** Mr. Scott moves that section 23 be amended by adding thereto the following subsections:

“(2a) Clause 31(b) of the said act is amended by adding at the end thereof ‘and affirmations.’

“(2b) Clause 44(8)(b) of the said act is amended by adding at the end thereof ‘and affirmations.’

“(3a) Subsection 102(8) of the said act is amended by inserting after ‘swear’ in the fifth line ‘(or solemnly affirm)’ and by adding at the end thereof ‘(omit this phrase in an affirmative).’

“(3b) Clause 103(2)(b) of the said act is amended by adding at the end thereof ‘and affirmations.’”

**Hon. Mr. Scott:** This is just to pick up an affirmation provision in the Labour Relations Act that was not covered by the committee.

Motion agreed to.

Section 23, as amended, agreed to.

On section 33:

**Mr. Chairman:** Ms. Gigantes moves that subclause 1(j)(iii) of the Mental Health Act, as set out in subsection 33(1) of the bill as reprinted by the Attorney General, be struck out.

**Ms. Gigantes:** The section I am dealing with in this amendment is the section that sets out the definition of the nearest relative who is given authority to give consent for treatment for a psychiatric patient who cannot give consent because he or she is not deemed competent.

What we have in subsection 33(1) as it sits before us now in the committee is a listing of those people who can be called “nearest relative” and who are therefore given authority to consent to treatment. If one looks down the line of those people on page 17 of the bill as it is printed, number three in rank in terms of a person who may give consent to treatment is the estranged spouse of the patient.

We have been assured by the Ministry of Health and the Attorney General that the whole question of who shall give consent for treatment and how it shall be given will be reviewed when we have the final report of the guardianship committee. However, in the meantime, I believe there is unanimous feeling in this Legislature that

one of the people who should not be called upon to give consent is the estranged spouse.

We can all understand intuitively that if people have decided to live separate and apart, having been married or having lived in a spousal relationship, one of the reasons a psychiatric patient may be in need of psychiatric treatment is the relationship with the estranged spouse; that that spouse should be called upon as the person who has authority to give consent to treatment, I think strikes people in 1986 in Ontario and people in this Legislature as being insupportable. For that reason, I am proposing that we remove the estranged spouse as the consent-giver.

**Hon. Mr. Elston:** We agree with the rationale provided by the honourable member and agree to the amendment.

**Mr. Chairman:** You are not speaking from your seat. Is there unanimous consent for the Minister of Health to speak from a seat other than his own?

Agreed to.

**Mr. O'Connor:** On behalf of our party, I confirm that we agree with the rationale put forward by the member and will be voting in favour of this amendment.

Motion agreed to.

**Mr. Chairman:** Mr. Elston moves that section 33 of the bill be amended,

(a) in subsection 33(26) by adding at the commencement of subsection 30(1) of the Mental Health Act, as set out in subsection 33(26) of the bill, “There shall be a review board and”; and

(b) by striking out “a” in each instance where it occurs immediately before “review board” in each section or subsection of the Mental Health Act that is enacted or amended by section 33 of the bill and inserting in lieu thereof “the.”

**Hon. Mr. Elston:** This is merely to make it explicitly known in the act that a review board shall continue to exist. It was merely an oversight as the amendments were being drafted. I believe there is unanimous support.

Motion agreed to.

**Mr. Chairman:** Mr. Elston moves that subsections 30(1) and (4) of the Mental Health Act, as set out in subsection 33(26) of the bill be amended,

(a) in subsection 30(1), by striking out “and shall designate a person to be the co-ordinator of the review board” in the fourth and fifth lines; and

(b) in subsection 30(4), by striking out “co-ordinator of the review board” in the first line

and inserting in lieu thereof "Lieutenant Governor in Council."

**Hon. Mr. Elston:** We found that the role of co-ordinator was causing some concern with the review boards. We had advice from the chairmen of those review boards around the province. They have asked us to delete the role of co-ordinator. I have discussed this with the critics opposite, and I believe we have consent for this measure as well.

Motion agreed to.

On motion by Hon. Mr. Nixon, the committee of the whole House reported progress.

**18:00**

**Hon. Mr. Nixon:** Before you adjourn the House or whatever you are about to do, Mr. Speaker, I want to indicate that we will continue with this bill as the first order tomorrow, God willing.

**The Acting Speaker (Mr. Morin):** Pursuant to provisional standing order 30, the motion that this House do now adjourn is deemed to have been made.

#### TRANSMISSION LINE

**The Acting Speaker:** The member for Carleton-Grenville has given notice of his dissatisfaction with the answer to his question given by the Minister of Energy (Mr. Kerrio). The member has up to five minutes to debate the matter and the minister may reply for up to five minutes.

**Mr. Sterling:** I want to try to explain to the minister this evening the situation in relation to the Bridlewood community in the city of Kanata with respect to the proposed Ontario Hydro tower that will cut through the centre of that community.

I want to congratulate Judy Hunter, Lynn Barrett and the community for the interest they have taken in this issue. I hope the minister will answer the 1,600 letters that were written to the Premier (Mr. Peterson) on this matter. The council of the city of Kanata, led by Mayor Des Adams, has been extremely supportive of this group.

Let us make it clear exactly what Ontario Hydro is going to do. Hydro is going to replace an 80-foot tower with twin towers of 160 feet. Mr. Speaker, if you look at this diagram, you will see this is the existing tower in the corridor; it is going to be replaced by two towers twice as high as the existing tower.

The people of the community of Bridlewood are most upset that this will be running right down the gut of their community.

**Mr. Mancini:** On a point of order, Mr. Speaker: There are historical precedents in the House for demonstrations such as the honourable member is putting on at present to be deemed out of order. I ask that you rule on the matter.

**The Acting Speaker:** I believe the member for Essex South is right. Do not use the display any more.

**Mr. Sterling:** I would like the precedent—I hope this is not running into my time; it should not run into my time—so I can explain my situation.

**Mr. Mancini:** The honourable member is out of order.

**Mr. Sterling:** On the point of order, Mr. Speaker: I want either the standing order or the precedent before me before you make that ruling. Otherwise, to my knowledge, there is nothing that prevents me from showing a chart to illustrate a point.

I am finished with that chart to show the impact of this line.

I am trying to make the minister understand the situation, and it is too bad the Liberal member from western Ontario does not empathize with the people of Kanata when I try to show this problem.

**Mr. Mancini:** On a point of order, Mr. Speaker: The member is imputing motive. He is saying I do not care about the problems in eastern Ontario. That is not true. All I did was rise and point out that the member was out of order. I wish the member to withdraw that comment.

**Mr. Sterling:** I will not withdraw that comment, Mr. Speaker. I have not imputed any motives.

**Mr. Mancini:** We have rules. I ask for your ruling, Mr. Speaker.

**Mr. Sterling:** I would ask for additional time, because the member for Essex South keeps interrupting. He does not understand the importance of this issue.

**The Acting Speaker:** My ruling is that you are not imputing motives. I will give you an extra minute to debate. Continue.

**Mr. Sterling:** Thank you very much. The people of Bridlewood are most concerned that they have not had a fair hearing with regard to the location of the hydro corridor through their community.

On January 22, 1985, the joint board had a hearing in Bridlewood. At that time, Ontario Hydro assured the community that the route



through their community was the sixth or seventh choice of Ontario Hydro.

**Hon. Mr. Kerrio:** One of three.

**Mr. Sterling:** The Minister of Energy is not aware that there were seven proposals for the route coming through eastern Ontario. There were six routes to the south. I submit to the minister the fact that the proposal to run through the city of Kanata and the community of Bridlewood became a reality only after the township of Goulbourn put forward an alternative proposal, which was taken seriously only after the hearings had already taken place in the Bridlewood community.

In the one case there were a number of proposals, and Ontario Hydro went into that community and said: "Hey, this is not really in the cards. You do not really need to worry, because it is going to go to the south of the builtup community." Then, about three weeks later, in comes another party and says, "Hey, we can avoid a problem over here if we divert up around and go through Bridlewood." Therefore, the community was not alerted to the fact that this route was under serious consideration.

**Hon. Mr. Kerrio:** Thank you very much. That was an interesting presentation.

**The Acting Speaker:** The member's time has expired.

**Hon. Mr. Kerrio:** Mr. Speaker, as you know, Ontario Hydro's proposal for the expansion of its transmission system—

**Mr. Harris:** On a point of order, Mr. Speaker: The member for Carleton-Grenville had a couple of seconds on the clock, and then the member for Niagara Falls (Mr. Kerrio) interjected, cut him off, lost the last little bit of his time and acted as if he were the Speaker. They had not even had time for the Attorney General (Mr. Scott) and the member for Cochrane North (Mr. Fontaine) to run in behind him so they could be seen on the cameras. He interjected and took some time away from the member. I do not know whether that is a point, but it strikes me that—

**The Acting Speaker:** I believe this is not a point of order.

**Hon. Mr. Kerrio:** Then, Mr. Speaker, I would ask you to do the same as you did for the other members, so you do not show any partiality, and add that same time to my time.

**The Acting Speaker:** What are you asking me now? My ruling before was that I gave him an extra minute. The situation was totally different. Please continue.

**Hon. Mr. Kerrio:** Mr. Speaker, as you know, Ontario Hydro's proposal for the expansion of its transmission system in eastern Ontario was considered under a process that involved the preparation of an environmental assessment and a full public hearing before a joint board established under the Consolidated Hearings Act.

The environmental assessment that was prepared by Ontario Hydro identified a number of alternative routes, one of which followed an existing right of way through the Bridlewood community. The public hearing was held between January 1985 and July 1985 and included sessions held in Bridlewood to hear directly the concerns of the residents in that community.

Residents of Bridlewood say the route through their community was not rigorously opposed by them because they felt that, as Ontario Hydro had recommended an alternative route, the Bridlewood route would not be considered by the joint board. I would like to make it quite clear that all these routes, including the route through the Bridlewood community, were on the table for consideration during the public hearing.

The joint board decided the new line should follow the existing right of way through Bridlewood because this route eliminates the need for new severances, avoids heavy angle towers, leaves undeveloped land untouched, requires no national capital land acquisition and avoids existing residences.

The joint board approval was conditional upon an agreement between Ontario Hydro and the city of Kanata on appropriate mitigation measures. I understand the city of Kanata is to consider Ontario Hydro's mitigation proposals at a meeting to be held on December 11. If the parties fail to come to an agreement, they will meet with the joint board on December 15.

As the members know, the public review period following the joint board's decision resulted in a number of appeals to the Lieutenant Governor in Council. These included appeals by the city of Kanata and the Kanata Citizens' Task Force and raised a number of matters, including the use of a 230-kilovolt right of way for a 500-kilovolt double-circuit line and the possible health effects of high-voltage transmission.

Cabinet carefully considered those appeals but decided that the joint board's decision should be approved and that Ontario Hydro should proceed with its design and construction activities. It is this government's firm belief that the public participation process that has been set in place is the best means for making decisions of this kind.



I turn briefly to the possible health effects of high-voltage transmission. The joint board in making its decision and cabinet in consideration of the petition both considered evidence relating to the possible health effects of high-voltage transmission. I understand current research recognizes that while there are some effects, there is much disagreement on which effects are significant and whether results can be extrapolated from laboratory animals to humans. To date, no significant public health effects caused by high-voltage transmission have been identified.

I appreciate the concerns that have been expressed about the possible health effects of high-voltage transmission, and I have asked my officials to keep a close watch on developments.

In the meantime, Ontario Hydro, in its efforts to address the concern, will design and construct a line through Bridlewood in such a way that field strengths will be below guidelines at the edge of the right of way.

The government is satisfied that the health of the residents of Bridlewood will not be put to risk as a result of the line passing through their community. If that were a cause not to put that line through Bridlewood, we would have to tear down every transmission line in Ontario. The lights would go off in this building and everywhere else across this province. It is very unlikely that is going to happen.

The House adjourned at 6:13 p.m.

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No. 78

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Wednesday, December 10, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 10, 1986

The House met at 1:30 p.m.

Prayers.

**Hon. Mr. Wrye:** On a point of order, Mr. Speaker: As we begin this afternoon's sitting, before we get going, I would like to offer some remarks on International Human Rights Day. If the appropriate officials of the opposition parties want to offer some remarks, this might be the time to do so.

**Mr. Speaker:** Is there unanimous consent?

Agreed to.

## INTERNATIONAL HUMAN RIGHTS DAY

**Hon. Mr. Wrye:** As honourable members know, today is International Human Rights Day. On this day 38 years ago, the United Nations General Assembly approved without a dissenting voice the Universal Declaration of Human Rights, and each year since 1951 this day has been commemorated as human rights day.

The declaration is an eloquent document committing to paper and enshrining into our international jurisprudence the highest ideals of men and women. The preamble to the declaration states that recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The Ontario Human Rights Code, proclaimed in force 24 years ago, draws upon that statement.

At the time the declaration was proclaimed, the president of the General Assembly said that it was "the first occasion on which the organized world community had recognized the existence of human rights and fundamental freedoms, transcending the laws of sovereign states. Millions of people all over the world will turn for help, guidance and inspiration to this document."

Almost four decades have passed since those words were spoken. As we all know, many are the sovereign states in the world today that totally disregard human rights and fundamental freedoms. In that respect, I had the privilege of joining a number of my colleagues from this assembly earlier, during noon hour, on the steps of the Legislature, in support of a demonstration by the Ontario Legislature Committee for Soviet Jewry.

The disregard of the declaration's principles invites a callow cynicism for the observance around the world of human rights generally and the loyalty to the universal declaration specifically. To purge this cynicism, we are compelled to remember the circumstances out of which this document was born. The true significance of this declaration is twofold, both in the nature of the rights and freedoms it proclaims and in the very fact of the proclamation itself.

The Universal Declaration of Human Rights came into being because of the events that occurred during and immediately before the Second World War. The articles in the declaration reflect the reaction of the international community to the horrors of that war, that dark, bleak period in human history. That conflagration proved to the whole world the close relationship between outrageous behaviour by a government towards its own citizens and aggression against other nations. It proved the relationship between respect for human rights and the maintenance of peace.

Out of that abyss, peoples, nations and governments rose up and proclaimed: "We shall not die, but live. Not only shall we live, but we shall also live in dignity, worthy men and women all, worthy societies and governments all."

From the depths of total, abject despair did the human spirit triumph to engraft for ever on the ideal course of human behaviour the concept that the highest value is the value of life: one breath, one heart, one soul, one human being, one life, one universe of inherent worth and importance equally for all.

Human rights, like respect, are more easily defined by their absence, but also like respect, they are the exquisite centre of our lives. In this Legislative Assembly, of course, we never forget this, because it is the one constant theme that courses through our laws, customs and traditions, even though, as legislators and as human beings, we may have our differences from time to time on the various manifestations of human rights.

At this time, on behalf of the government of Ontario, I wish to recognize December 10 as International Human Rights Day. Every member of this assembly is reminded that the foundation



to our great democracy is continual commitment to human rights.

In addition, I urge members of this House to reflect upon the lesson to be learned from the very fact that the Universal Declaration of Human Rights is proclaimed at all. That lesson is simply this: The human spirit is irrepressible, striving always to affirm its place as the highest creation and the strongest force on this earth.

**Mr. Cousens:** How much we take for granted in this society, in this civilization, where we have so much. We take for granted our wealth and forget about the poor. We take for granted our health and forget about the sick. We take our freedom for granted. Unless we have moments such as this to remember and consider the ramifications of the lives of those people who have nothing like the freedoms we have, nothing like the human rights we have here in Canada, then we as human beings fail to consider our responsibilities seriously.

On this day, December 10, International Human Rights Day, we have witnessed on the steps of the Legislature a moment in which many members of our Legislature and many people from across our province have taken part, remembering prisoners of conscience of the Soviet nation, Jews who are refused exit visas. This is one significant group in society whose rights are being forfeited by a government, laws and people who have no consideration of their needs. We in this land speak out on their behalf so that they might know we care about their needs and their plight.

We are very fortunate that there are many groups in our land that support the rights of others. Human rights have become an important Canadian issue taken into consideration by the Canadian Human Rights Foundation, the Latin American Working Group, the Inter-Church Committee on Human Rights in Latin America, Project Ploughshares, GATT-FLY, the Canadian Council of Churches, the Canada China Programme, the Canada Asia Working Group, the Taskforce on the Churches and Corporate Responsibility, PLURA and many other groups.

May we as legislators continue to give credence to all these issues as we stand up here and are counted as those who do not take for granted what we have and are willing to speak out on behalf of those who have no spokesmen unless we do it for them.

**Ms. Gigantes:** Article 1 of the international bill of human rights, which we know as the Universal Declaration of Human Rights, reads as follows:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

As my party's critic for human rights, I am proud to express our support for the worldwide struggle for human rights that is celebrated by International Human Rights Day. It is clear that our responsibilities in this regard as legislators extend far beyond the boundaries of this province and this country. There are continuing massive violations of human rights in great parts of the world. We must speak out against such crimes, for that is what they are, as the entire civilized world spoke out in 1948, when the United Nations adopted the Universal Declaration of Human Rights.

That is why many of us participated today in the demonstration marking the continued detention in the Soviet Union of thousands of refuseniks. That is why my colleague the member for Scarborough West (Mr. R. F. Johnston) went this summer to work with the people of Nicaragua in their struggle to establish democracy and prevent the return to power of people who systematically denied basic human and civil rights to the people of that Central American land.

It is also clear that we have a special responsibility to care for human rights here in Ontario, and it is especially fitting that we should today be marking the international effort to protect human rights while we are in the midst of debating legislation, Bill 7, which extends the recognition of human rights in our province, for we have to remember always that human rights must begin at home.

**Ms. Bryden:** As one of the three co-chairmen of the Ontario Legislature Committee for Soviet Jewry, which is an all-party committee, I express my 100 per cent support and that of all my caucus colleagues for the objectives of the vigil and demonstration going on out on the front porch outside the Legislature.

Since today is International Human Rights Day and since that demonstration is focusing attention on the plight of hundreds of Soviet Jews called refuseniks, who have been denied their human rights in the Soviet Union, and particularly their right to join their families in Israel and in other parts of the world, it is particularly appropriate that we observe International Human Rights Day in this way.

I congratulate the Ontario Legislature Committee for Soviet Jewry for organizing a roll call of refuseniks to bring to the attention of the world

some of the outstanding men and women who are being harassed and persecuted. The court of world opinion is their only recourse. By participating in this demonstration and by speaking in the Legislature, we are assisting in bringing their cause to that court.

I hope our voices will be heard around the world and in the Soviet Union and that it will grant the refuseniks their right to exit visas and freedom from persecution.

13:43

## MEMBERS' STATEMENTS

### NATIVE FISHING AGREEMENT

**Mr. Bernier:** The Liberal government has embarked on what has been called a public information exercise with respect to a negotiated native fishing agreement. This important policy issue is being carried to the public of northern Ontario by senior civil servants of the Ministry of Natural Resources.

There are two important issues that must be addressed immediately. The first is the appearance of the Attorney General (Mr. Scott), the minister directly responsible for this matter, and the Minister of Natural Resources (Mr. Kerrio), who has a direct interest in this issue, at all public information meetings, since only they can answer the many questions that are being asked across northern Ontario. They must stop asking a civil servant to do their job. This is a very sensitive and complicated issue, which demands the attention of senior government ministers.

The second issue is for the government to find a funding mechanism to assist the many groups in northern Ontario that wish to make representation on this important resource issue. I remind the government that such funds were made available during the hearings of the Royal Commission on the Northern Environment. A funding precedent has been established to assist these various groups.

I urge the government to get on with these two important matters.

### ENVIRONMENTAL RIGHTS LEGISLATION

**Mrs. Grier:** I will today introduce a private member's bill calling for an environmental bill of rights in this province. Along with basic human rights must go the right to clean air, pure water and preservation of the natural environment. Citizens of Ontario need an environmental bill of rights so that they can play their part in protecting the environment and need no longer be dependent solely on government and industry to clean up pollution. Without giving citizens more

power over decisions on these matters, the environmental damage that has been done in this province will never be repaired, and the damage will continue.

The bill of rights I am introducing clearly establishes people's rights to go to court to protect the environment and to be able to guarantee access to information. It would provide funding for interveners and it would protect workers who refuse to pollute from reprisals by their employers.

Ontario's public lands, waters and natural resources are the common property of all the people, including generations yet to come. As trustee of those lands, waters and resources, the government of Ontario must conserve and maintain them for the benefit of present and future generations. We do not inherit the earth; we borrow it from our children. It is our duty to restore our part of the earth and to pass it on to our children in a better condition than we found it. An environmental bill of rights will help us all to play our part in doing that.

### INTERNATIONAL HUMAN RIGHTS DAY

**Mr. Offer:** On the topic of International Human Rights Day, this day marks the 38th anniversary of the signing of the United Nations Universal Declaration of Human Rights, a document signed by 35 nations, including Canada and the Soviet Union. Outside the Legislature today, a vigil is being conducted and the names of Soviet Jews who are desperate to leave the Union of Soviet Socialist Republics, but have been refused, are being read.

Human rights is a prime issue the world over. The Ontario Legislature Committee on Soviet Jewry is asking the Soviet Union to honour its commitment to the Universal Declaration of Human Rights and the Helsinki accord, to cease harassment and imprisonment of innocent human beings and to grant those men, women and children permission to emigrate to Israel.

I thank all the members of the Legislature who have taken part in today's vigil, in particular, the co-ordinators of the event. Also, my co-chair colleagues, the member for York Centre (Mr. Cousens) and the member for Beaches-Woodbine (Ms. Bryden), are to be congratulated. Finally, special recognition is due to past co-chairpersons of the committee, David Rotenberg, James Breithaupt and the member for Brant-Oxford-Norfolk (Mr. Nixon) for all they have done in bringing to the Legislature the issue of the deprivation of human rights for the Soviet Jews.



## RESIGNATION OF ADVISORY COUNCIL PRESIDENT

**Mr. Gregory:** I am speaking as chairman of the standing committee on government agencies, whose mandate it is to interview and review the various agencies, boards and commissions in Ontario. We were performing that function this morning when we had before us Stanley W. Frolick, QC, president of the Ontario Advisory Council on Multiculturalism and Citizenship.

At that meeting, very early in his statement, Mr. Frolick mentioned that he had submitted his resignation to the Premier (Mr. Peterson) as of December 1, 1986, to be effective December 15, 1986. We had to be told at that committee by Mr. Frolick himself, without any announcement by the appropriate minister, of this happening.

I find it totally unacceptable that this has to happen. Mr. Frolick as yet has had no response to his letter of resignation. He has had absolutely no communication from either the Premier or the Minister of Citizenship and Culture (Ms. Munro), none whatsoever. Yet in a very tacky 11th hour act of repentance, the Minister of Citizenship and Culture had one of her assistants pass a handwritten note to Mr. Frolick during the meeting, after all this had gone on, inviting him to a meeting tomorrow.

In my opinion, the minister and the Premier have been totally insensitive about this. Will the Premier table the letter of resignation?

## MERCHANTS' USE OF FIREARMS

**Ms. Bryden:** On behalf of the members of my caucus, and I hope the rest of the House as well, I want to express my outrage and revulsion at the comments made yesterday by Norman Gardner, the newest member of the Metro police commission and seemingly a candidate for the title of vigilante of the year.

Mr. Gardner apparently believes in local store owners arming themselves to protect themselves against robbery attempts. According to media reports, Mr. Gardner thinks store owners in high-crime areas should be allowed to carry guns if they know how to use them. Mr. Gardner's views run completely contrary to the views of the police community, which unlike Mr. Gardner is more concerned with preventing criminal acts than with grabbing headlines.

I hope I speak for the members generally in expressing my outrage and shock at Mr. Gardner's remarks. They can do nothing constructive and can only encourage irresponsible acts of vigilantism.

## ECONOMIC AND CULTURAL EXCHANGE

**Mr. Henderson:** I would like to advise the members of this Legislature that one of my constituents, Alec Ko, president of the Etobicoke Chinese-Canadian Association and chairman of the Etobicoke City Twinning Committee, on invitation from the city of Ningpo in the province of Shey Shiang, is visiting the People's Republic of China to conduct economic and cultural exchanges with Ningpo, a coastal city of 4.5 million people and an area high on the agenda of China's economic reform.

Mr. Ko expects to return with a list of potential economic exchanges for Etobicoke businessmen. Prior to his return, he will visit Hong Kong to finalize plans for a manufacturing plant in Etobicoke to be set up by a major Hong Kong engineering firm.

M. Ko a fait avancer énormément les relations sino-canadiennes et a démontré un sens extraordinaire de leadership dans la communauté sino-canadienne d'Etobicoke. Nous lui faisons part de nos meilleurs souhaits à l'occasion de son voyage en République populaire de Chine et nous le remercions de sa constante implication dans le développement culturel et économique de la communauté des Chinois canadiens d'Etobicoke et de tout l'Ontario.

## RECOGNITION OF DISABLED ATHLETE

**Mr. Turner:** I rise to pay tribute, and I ask the House to join me, in recognizing the accomplishment of Melissa Hague, a 16-year-old grade 10 student who lives at rural route 1, Lakefield, and attends Lakefield District Secondary School.

She has just been chosen as the Ontario Junior Citizen of the Year. The award will be presented in the new year by the Lieutenant Governor. The award comes from the Ontario Community Newspapers Association, which is located in Oakville. It all starts with the co-operation of the Ministry of Education. Applications are received from schools across the country through forms being mailed out directly, in answer to newspaper ads and so on.

Melissa should be recognized not only for the fact that she is an outstanding student but also because she is a paraplegic. Fortunately, she remains a fine athlete. Last summer she received a gold medal for winning the 400-metre race in the world championship games for the disabled in London, England.

I ask the House to join with me in paying tribute to this courageous lady.

13:53



## STATEMENTS BY THE MINISTRY AND RESPONSES

### JOHN CHARLES POLANYI PRIZES

**Hon. Mr. Sorbara:** Dr. John Polanyi of the University of Toronto is in Stockholm, Sweden, today receiving the Nobel Prize, the most prestigious of awards for international or academic achievement. It is an award, as I am sure all members know, presented to those who "during the preceding year have conferred the greatest benefit on mankind" in the fields of physics, chemistry, physiology or medicine, literature, economic science and peace.

Dr. Polanyi is being awarded the Nobel Prize in chemistry for his work in reaction dynamics. Dr. Polanyi, who joined the University of Toronto's department of chemistry in 1956, is only the fourth Canadian to receive a Nobel Prize.

It is with both pleasure and pride that I am announcing today the creation of the John Charles Polanyi Prizes, both to honour his achievement and to provide an incentive to a new generation of scholars to continue their important work in Ontario universities.

The government of Ontario will establish a \$1-million endowment fund, with the income from this fund to be used to provide five prizes each year. In keeping with the Nobel tradition, they will be awarded on the basis of excellence in doctoral studies in the same five academic disciplines: physics, chemistry, physiology or medicine, literature and economic science.

The John Charles Polanyi Prizes will be awarded to students pursuing post-doctoral studies at Ontario universities supported by public funds. Anyone who is normally resident in Ontario and who has completed or is nearing completion of his doctoral studies in any recognized university in the world is eligible. Canadians, permanent residents or foreign doctoral candidates attending a recognized Ontario university and planning to continue their studies in Ontario are also eligible.

The fund and the awarding of prizes will be administered by a board of trustees consisting of the executive heads of the provincially assisted universities of Ontario. The value of each individual prize will be announced when the first awards are being considered.

On behalf of all members of this House, I would like to take this opportunity to congratulate Dr. Polanyi once again on his accomplishments. Dr. Polanyi has served as an inspiration to all of us, and all Ontarians are proud of him.

**Mr. McFadden:** I cannot think of any person more deserving of recognition of the type announced by the Minister of Colleges and Universities today than Dr. John Polanyi.

The awarding of the Nobel Prize to Dr. Polanyi today recognizes the outstanding contribution he has made specifically to the field of chemistry but also more generally to the academic community in Canada.

Dr. Polanyi's achievements have been well known for many years throughout the world. The awarding of the Nobel Prize in effect gives public recognition of his many attainments. I hope the creation of the John Charles Polanyi Prizes announced by the minister will be an inspiration, inducement and encouragement to many young Canadians to aspire to the kind of excellence and achievement that has been attained by Dr. Polanyi.

The members on this side of the House would like to congratulate Dr. Polanyi on the awarding of the Nobel Prize. We are very pleased the prizes created in Ontario for post-graduate studies have been announced today.

**Mr. Allen:** In response to the statement by the Minister of Colleges and Universities, I want to say on behalf of our party that we are extremely delighted with the announcement of the John Charles Polanyi Prizes. There is no person who more fittingly symbolizes the pursuit of excellence in our university system, a man who not only has pursued the most elusive aspects of chemistry in his work in reaction dynamics but has also shown a singular interest in interdisciplinary studies and in the life of the world outside the university, in particular with his concern about international issues, peace and disarmament.

It is particularly appropriate in the light of Dr. Polanyi's accomplishments that foreign students in our midst are being granted access to this series of prizes. It would be a more appropriate recognition of his interest in that regard were the minister also to announce the abandonment of visa fee schedules for foreign students in our province. It would also be appropriate to observe that the value of the prizes in question would be in proportion to the real inherent value of the undergraduate core education that our universities can dispense.

With respect to Dr. Polanyi's interest in interdisciplinary studies, it would also be appropriate to make a few comments on one of the fields that is indicated in the prizes; namely, literature. At the University of Toronto, the following has happened in that field. Over the

past 10 years, the English department's budget has dropped by 19.7 per cent. There has been a loss of 14 professors in the department. There has been a cut of 75 courses, 29 per cent of the total program, in spite of the fact that there are 1,200 more students in the program, that the faculty-student ratio has risen 30 per cent and that there has been no increase in tutorial assistance for the department.

On an occasion when we recognize his accomplishments, I think Dr. Polanyi would find it very fitting if we observe that in his own university the pattern of underfunding has created a situation in which a core department has seen massive losses in its capacity to provide the excellent enhancement these prizes are meant to accomplish.

**Hon. Mr. Scott:** On a point of privilege, Mr. Speaker: The member for Eglinton (Mr. McFadden), in the statement he just made, abused my privileges as the representative of the riding of St. David. He failed to point out that Professor Polanyi is a resident of the riding of St. David. I want him and all members to know that all residents of the riding are thrilled at Dr. Polanyi's recognition and are with him in Stockholm today in spirit.

**Mr. Speaker:** That is not a point of order or a point of privilege. As I gather it, it is a point of information.

**Mr. Harris:** On a point of order, Mr. Speaker: On a new point that relates to what was not even a point of information, I would like to point out that there was plenty of time left during statements. The member would have had ample opportunity if he had thought enough to get up and make those comments at the appropriate time.

**Mr. Speaker:** We have had one point of information, which led into a debate. I will call for order.

#### ANNUAL REPORT, OFFICE OF THE PROVINCIAL AUDITOR

**Hon. Mr. Nixon:** When the Provincial Auditor's annual report was tabled recently, the Premier (Mr. Peterson) assured the members that the government fully endorsed the auditor's role in ensuring that the expenditure of public funds meets the highest standards of efficiency.

As the members will know, the auditor's report deals with two programs in the Ministry of Revenue, and I would like to inform the members briefly of the actions taken to deal with his recommendations.

First, concerning the corporations tax branch, the auditor's overall conclusion is that it is well managed but certain "important areas of] operations have been neglected because of insufficient resources." Consequently, he recommends a "substantial investment in technology and auditors" to "obtain greater returns in tax revenues for the province."

It is indeed the case that the branch has not had sufficient resources to allow it to deal adequately with the growth in tax work loads and complexity in recent years. However, as the deputy minister notes in his detailed reply, this problem was recognized by Management Board in February 1986, and the branch has been provided with \$3.5 million in extra resources to increase revenue yields and operational productivity in an orderly fashion in line with the Provincial Auditor's recommendations.

More important, the auditor referred to the possibility of unauthorized access to confidential computer files. On this point, the ministry fully agrees with his substantive recommendation that such files should be protected by a security system known as the resource access control facility. Indeed, it is worth noting that the ministry has been engaged in this process for several years, and it was for this reason we were able to accelerate fitting RACF to the critical files cited by the auditor.

In conclusion, I do not claim that our data security is perfect, because no system, including RACF, can guarantee total protection without either prohibitive cost or severely restricting the use of data for business purposes. However, I can assure the members that the ministry is fully committed to maintaining the integrity of confidential information and that there have been no cases of loss or misuse of computer files in the ministry's possession.

**Mr. McCague:** I have a comment or two on the statement by the Minister of Revenue. I am glad to see he is acting quickly on the recommendations made by the Provincial Auditor.

With regard to the guaranteed annual income system and tax grants, I note the auditor may have recommended a \$1.7-million saving by using direct deposit. The minister's deputy pointed out that the money saved by the Ministry of Government Services might well be used by the Ministry of Revenue in paying for notices to be sent to the recipients.

I would have thought the Gains payments, which are made monthly, could have been deposited directly without notification, but in the case of tax grants, in that they occur once or twice



a year, the government probably would be obliged to notify the recipient that money had been deposited directly or to leave the system as it is in that regard.

I am not sure what the Minister of Revenue is telling us today, because he indicates in his written statement, "I shall not deal with this point here." I hope he will deal with it at some time in the future.

I am sure the minister has been reminded many times since he was made Minister of Revenue that some work is needed on RACF. I hope he will speed up the process, because he has known about it for a long time.

As for the additional auditors, which the minister mentioned very carefully here, I hope he is not going out to pester the small businessman for more money.

#### BROADCAST AREA EXPANSION

**Hon. Ms. Munro:** I am pleased to report that CJRT's Open College, music and information programs are now available to residents of northern Ontario. On December 1, CJRT-FM went on satellite. TVOntario played a major role in the hookup by providing space on Anik C.

I confess to some ministerial pride in this announcement for two reasons. First, TVOntario and CJRT-FM are agencies of my ministry. Second, our plan to expand CJRT's broadcast area is right on the schedule we announced in spring 1986.

At the moment, CJRT's signal must be decoded by cable companies. The first hookup was in Dryden. Before winter is over, we expect cable companies in Geraldton, North Bay, Kincardine, Huntsville and Thunder Bay to pull down the signal and offer CJRT to their subscribers too. This means northern Ontario residents will be able to tune in the station's music, news, information and children's programs. Of greater importance, however, is that they will also be able to register in the courses offered by Open College.

CJRT's Open College runs informal and university-level courses which are accredited by Ryerson Polytechnical Institute and Atkinson College at York University. For example, this year CJRT is broadcasting a university credit course called the History of Science and Technology. With a splendid bit of timing, the station is also running an income tax phone-in series in March and April.

I am delighted my ministry has played a part in extending CJRT's quality programs to northern Ontario residents. It was long overdue.

**Mr. Shymko:** Notwithstanding the pride we all take in the satellite hookup of TVOntario on December 1, that is a historic date because on the same day the president of the Ontario Advisory Council on Multiculturalism and Citizenship resigned.

Although the minister confesses ministerial pride in the announcement of the TV hookup, she should admit and confess to ministerial shame in the shabby, demeaning and insulting treatment of the president of an advisory council representing 39.7 per cent of the population of Ontario, about whose resignation she has made no statement from December 1 to this day.

We listened to the laudatory remarks about Walter Pitman and the contribution he has made in his service to Ontario. It is shameful that apparently there are first- and second-class citizens. Apparently, there are those who have made significant contributions in the area of minority rights who do not deserve to have a statement from the minister, with complimentary remarks and congratulations about future services.

The minister has known of that resignation for almost a week since December 1, as has the Premier (Mr. Peterson), and it is truly insulting to all the minorities and ethnocultural communities of this province that to this day there has not been a statement.

**Mr. Speaker:** Order. I remind all members that the time for responses is to respond directly to statements made by ministers.

**Mr. Wildman:** On behalf of our party, I want to welcome the statement by the Minister of Citizenship and Culture and to say that this is a step in the right direction, towards making available to the north entertainment choices that are taken for granted in southern Ontario communities.

I want to point out, however, that this is the first time I have ever heard the communities of Huntsville and Kincardine included in northern Ontario. While I am happy that rural southern Ontario communities such as Huntsville and Kincardine are getting this service, it is a little silly to include them in an announcement about northern Ontario. I hope this is not an example of this government's understanding of the geography of the north.

I hope this minister will prevail upon her cabinet colleagues, particularly the Premier and the the Minister of Transportation and Communications (Mr. Fulton), to approve the northern satellite television network program that would make TV proceedings of the assembly available



to small isolated communities in the north but also would make a full range of channels normally available to southern Ontario cable subscribers available in northern communities, because I understand it is currently stalled before a cabinet committee.

**M. Pouliot:** Je me joins à mon collègue le député d'Algoma (M. Wildman) pour féliciter notre chère ministre des Affaires civiques et culturelles (Mme Munro) pour ce qui ne représente qu'un simple début dans les communications pour le Nord de l'Ontario.

Ce que la ministre nous a annoncé est un manque de considération. D'un côté, le point est bien reçu, mais d'un autre côté, on a omis, comme on le fait toujours, de donner des services que le reste de l'Ontario prend pour acquis.

On encourage donc la ministre, non dans un futur lointain mais dans l'avenir prochain, à nous donner au Nord ce que les gens de l'Ontario prennent pour acquis depuis 25, 30 et 40 ans.

14:13

## ORAL QUESTIONS

### DOWNSVIEW REHABILITATION CENTRE

**Mr. Gordon:** I would like to ask the Minister of Labour a question. As the member for Sudbury, I deal with a great number of injured workers and workers' compensation cases. I would like to inquire about exactly what steps the minister is prepared to take to deal with the very serious, documented allegations made by the Ontario Task Force on the Vocational Rehabilitation Services of the Workers' Compensation Board that injured workers are being treated as if they are in a concentration camp when they are in the Downsview rehabilitation centre.

What is the minister going to do to see that injured workers retain their dignity?

**Hon. Mr. Wrye:** Let me remind the honourable member at the outset that this minister and this government set up the task force in the first place because of our real concern that we needed to get on with a new era in vocational rehabilitation.

I have just returned from Thunder Bay, where I played a role in opening a new regional office yesterday. While I was in Thunder Bay, I had the opportunity to discuss the matter of Downsview with Dr. Elgie. I expect to have more discussions.

I indicated earlier today to the press, and I want to indicate to the House in a general sense, that because of the comments I have read from Dr. Kummel's report, which I will be sharing

with the House in the next few days, and the comments of the task force, I believe an external review is necessary. I expect to make a comprehensive statement in the House on this matter and a number of others pertaining to the Workers' Compensation Board at the beginning of next week.

**Mr. Pope:** Having represented in my nine and a half years as the member for Cochrane South more than 3,000 workers in the workers' compensation system, I am not at all supportive of what the minister has just said. It is not good enough to have another study. These are very specific, recent allegations. In the Toronto Sun this morning, the minister himself said he really was not surprised by the findings because the study group had been in contact with his staff during the studies.

If he is not surprised at the findings, if he has been made aware of the findings, why is he not taking specific action today to help these workers? What is he going to do right today—

**Mr. Speaker:** Minister.

**Mr. Pope:** I have not asked the question.

**Mr. Speaker:** You asked why he is not ready to take steps immediately to help the workers.

**Hon. Mr. Wrye:** I might ask what the member's party did to help those workers over the 42 years it formed the government. This is the mess of the previous government that we are trying to clean up. That is why we have a task force in the first place.

I made that comment to a Toronto Sun reporter late last night. Very late last week, members of the task force made my staff and me aware of their concerns and what they were about to say. It was in that regard that I made those remarks to the reporter in question last night.

As I said to the member for Sudbury (Mr. Gordon), I have been reviewing this matter with Dr. Elgie. I expect to see the board members tomorrow. Also, I believe the task force is coming in to see me early tomorrow morning. At that time, I want to review the comments the task force has made and its views and desires to have its mandate extended. I expect to have a comprehensive response to this and a number of other matters pertaining to the Workers' Compensation Board at the beginning of next week.

**Mr. Pope:** These are recent allegations. On June 5 and June 26, the standing committee on public accounts discussed the Downsview situation. The minister was made aware of the concerns of the members of that committee then. Since then, he has done nothing about the

situation or about the specific allegations. He is calling for a further review. It is his mess and he is doing nothing to help the workers of Ontario. That is the truth of the matter. It is the minister's mess. These are recent allegations. He has an obligation to help the workers.

Can the minister explain why he is going to allow the following situations to continue: women being forced to shower in front of men; injured workers being shouted at by the doctors; drug and alcohol abuse being rampant; a psychological test that asks the following questions: "Are you very strongly attracted by members of your own sex? Do you believe evil spirits possess you at times? Does your soul sometimes leave your body? Do you believe that horses that do not foal should be beaten or kicked?" Is the minister going to solve this problem or close that place down?

**Hon. Mr. Wrye:** All of this must come as a great shock to my friend the member for Cochrane South, but it does not come as a surprise to members on this side. A lot of these concerns were being addressed in the days when I was first a member. It may come as a surprise to my friend, but a number of actions that have been requested are already being taken on some of those concerns.

For example, the psychology department at the board has asked an outside advisory body to review the Minnesota test to find out whether it is an appropriate test. I do not know that, and I suggest my honourable friend does not know that either. We are determined to get to the bottom of this. The board internally has had a number of task forces and a number of review teams in place. This has been one of them. We expect that out of the report of those review teams will come new activities for Downsview, activities that party never carried out when it formed the government. The decentralization that is taking place in some of the board activities will continue as it pertains to Downsview.

**Mr. Andrewes:** I have another question for the Minister of Labour and it follows on the rather damning evidence of the Majesky report. Is the minister prepared to stand in his place today and speak on behalf of workers in this province who now rightly refuse to go to the Downsview centre for treatment? Will the minister give them his assurance that their benefits will not be terminated and that they will be given access to treatment in some alternative facility in this province?

14:20

**Hon. Mr. Wrye:** It is amazing to listen to that party discover the issue of rehabilitation. Where were they? It is an amazing admission.

We are working as diligently and as quickly as we can to begin to develop a decentralized system of offering some of the services that are provided at Downsview in local communities such as my own and that of the member for Fort William (Mr. Hennessy), who was at the opening of the regional office in Thunder Bay yesterday. The workers would not have to come to Toronto, and we could reach out and provide those services there. However, we have to assure ourselves that the assessment, treatment and physiotherapy services and the range of services we seek to decentralize can be offered.

Active work is under way with the district health council in Sudbury to see whether that city can take up some of the services injured workers need.

I have no problem assuring the injured worker community that this government cares about ensuring that they are treated with dignity and respect and that they are treated effectively so that they can return to work.

**Mr. Andrewes:** Based on the evidence released in the report, the minister cannot expect injured workers in Ontario today to be subjected to the kind of physical and emotional stresses that are apparently the order of the day at Downsview. Does the minister not realize that he must now—today, immediately—establish alternative arrangements for treatment for these workers in their own communities or regions and decentralize the whole Downsview operation? Will he understand that and do that today?

**Hon. Mr. Wrye:** I understand that it is important that the integrity of the system be assured to injured workers; let there be no doubt of that. We must do that, and I can assure the House that Dr. Elgie and the members of the board of directors of the Workers' Compensation Board, who held meetings in Thunder Bay on Monday of this week, share that concern. We must give the assurance to injured workers that when they come to Downsview they will receive the appropriate assessment and treatment.

It would be useful if I indicated to the House that as the board has been reviewing a new role for Downsview, a role that would accentuate the positive, it has been looking at a number of things where Downsview has acquired an excellent reputation.

For example, I spoke with an amputee yesterday in Thunder Bay. Within its hospital facility, Downsview has acquired, quite proper-



ly, an excellent reputation for assessment and treatment of amputees. I am very pleased to indicate to the House that this individual, who is a member of an injured workers' group in Thunder Bay, told me that the treatment and care he received in Downsview, medically and otherwise, was absolutely outstanding.

While my friend stands in his place and talks about the problems there, which I admit, that is not entirely the view of all injured workers.

**Mr. Gordon:** I am sure the minister recognizes that part of the problem Downsview has is that so many injured workers have to come from such distances, away from their families and friends and the support of their communities, the infrastructure and network that are so important in an injured worker's life. That is why I ask the minister to make a commitment to northeastern Ontario—first, to injured workers; and second, to the jobs it would create—that an injured worker's rehabilitation centre will be established in the north in Sudbury.

**Hon. Mr. Wrye:** This government is doing a number of things. It already has done and will continue to do a number of things the previous government never did. We have been in office for 18 months and we have opened two regional centres, one in Hamilton and one in Thunder Bay. We will be opening a third regional centre, in Ottawa, early next spring.

I have already indicated to my honourable friend, and I indicate again, that on a very active basis, particularly in northeastern and northwestern Ontario, the board is looking to be able to decentralize those services that do not need to be appropriately delivered in Downsview. Some services will have to continue to be delivered on a centralized basis, for example, some hospitals services which are best delivered in a centre of excellence.

My honourable friend makes a worthwhile suggestion, one that the WCB has already taken under advisement. When I make my statement to the House some time next week, members will see what actions this government intends to take in the next few months.

**Mr. McClellan:** One hardly knows where to begin with this issue and with this minister. I raised questions on November 6, November 20 and November 25, 1986, about the Downsview hospital, as a result of the allegations made by Ray Lebert. Now we have the bombshell from the Majesky task force, which confirms the allegations made by Mr. Lebert and adds that there are biker gangs selling drugs in the minister's hospital, there is prostitution in his

hospital and there are documented, detailed cases of medical incompetence and of bully-boy tactics by his doctors.

Can the minister start by explaining to the House why he appointed the director of the hospital, Dr. Kummel, to do a whitewash investigation? Is it not a fact that his report was such a whitewash that even the minister has refused to release it?

**Hon. Mr. Wrye:** Perhaps the honourable member was not listening, but I just said to the House that next week, as part of a comprehensive review and indication of the activities of this government, members will see the report prepared by the inquiry team, which included Dr. Kummel. I have no problem in reassuring my friend and reassuring the House that the report will be released. The only delay has been as a result of the effort to make sure we have the activities in place so that I can indicate in a comprehensive way to the House the direction in which we will be going.

I want to correct one comment the honourable gentleman made. I know he wants to make this my hospital, but I believe it is a hospital of the Workers' Compensation Board and the honourable gentleman would want to admit that.

**Mr. McClellan:** The minister can add cowardice and ministerial irresponsibility to his other attributes.

By way of supplementary, since the Majesky task force has documented that there is a total lack of privacy for women in their sleeping quarters and in their shower facilities, that women are forced to shower in front of men, that there is a lack of adequate or satisfactory medical care, that there is psychological harassment of patients, to which opposition members have already referred in their questions, can the minister responsible for the Workers' Compensation Board, as this minister is, explain to us why Dr. Kummel has not been suspended from his duties instead of being empowered to investigate allegations against his own facility?

**Hon. Mr. Wrye:** It is interesting that the comments made by patients, as serious as those comments are, have become documents. It is a very interesting leap of logic that an allegation I might make or the member might make is being called something documented; that is something he and I would probably reject.

We in this government take these matters very seriously. There is a reason why this government moved to set up the vocational rehabilitation task force in the first instance. We should not lose sight of the fact that we moved, in the first



instance, to set up this task force. We have noted with great concern the report of the task force, as we have noted with concern the earlier reports on Downsview.

We believe an appropriate review, an external evaluation not only of the specific allegations but also the general framework under which Downsview rehabilitation centre operated and ought to operate, is appropriate. I expect to announce the nature of that external review at the beginning of next week.

14:30

**Mr. McClellan:** In my welter of press clippings from Mr. Lebert's original accusations of misconduct and patient abuse at the Downsview rehabilitation centre, I am trying to find the various quotations from the Minister of Labour attacking and ridiculing Mr. Lebert for having raised those allegations in the first place. They are somewhere in this pile of Windsor press clippings. That was his initial response. His second response was to appoint the director of the hospital to conduct his own whitewash.

Before the end of this afternoon, will the minister do the decent thing and change the terms of reference of the Majesky task force so it is clearly empowered to investigate the Downsview hospital before any other injured workers are subject to its abuse?

**Hon. Mr. Wrye:** I want the opportunity to meet with Mr. Majesky, Ms. Minna and the other members of the task force. I will be doing so tomorrow morning. I expect that within the next few days we will have an appropriate response. We will also table the report of the inquiry team. My honourable friend can take a look at that report and offer, as I am sure he will, his reaction to it.

#### PENSION BENEFITS LEGISLATION

**Mr. McClellan:** The next question I have is for the Minister of Financial Institutions with respect to his systematic campaign of disinformation on the subject of inflation protection legislation in the Pension Benefits Act.

I have six press reports about the minister. The most recent, November 17, is from The Toronto Star: "Kwinter has said that he wants legislation to protect private pension plans from inflation." November 16: "Kwinter said that he wants legislation to protect private pension plans from inflation." The Globe and Mail, October 31: "Mr. Kwinter said in an interview he has proposed a package of pension reforms to cabinet that includes a regulation...requiring employers

to protect pension benefits from inflation by indexing—"them"—to the cost of living."

**Mr. Speaker:** The question is?

**Mr. McClellan:** The question is, why did the minister make all these false and misleading statements to the press when he had no intention of bringing forward legislation that covered inflation protection?

**Hon. Mr. Kwinter:** I appreciate the member's historical review of my statements. They are not in any way inconsistent with the statement I made yesterday. I stated that we are committed to bringing forward mandatory inflation protection. The big problem is that we have the responsibility of doing it. To do it, we have to do it right. We are going to find out exactly the right way. When we get it, we will introduce it.

**Mr. McClellan:** Perhaps the minister misunderstood my question. The minister said it on November 16, November 17 and October 31 as well as in the Star on October 25: "The problem of inflation protection is 'my highest priority. I will be introducing legislation as quickly as I can.'" In November 1986, again in the Star, "Kwinter said, if Ontario protects pensions against inflation, the other doubting provinces will eventually follow suit." This is arguing for his legislation with what is called his "cautious colleagues."

**Mr. Speaker:** And the question.

**Mr. McClellan:** Again, Mr. Speaker, respecting your ruling, the minister said on six separate occasions that inflation protection would be included in his legislation, which was introduced yesterday. Why did he fail to keep those promises?

**Hon. Mr. Kwinter:** Talking about misleading statements, and I assume the member has been alluding to that, I said I am in favour of bringing forward mandatory inflation protection. I also said I would be introducing legislation. I did not say I would be introducing all that together. As I am sure the honourable member will know, we have a situation where we have been negotiating for many years, both this government and the previous government, on a consensus document. The reason I brought this bill forward now and did not wait until I could do the mandatory inflation protection was that we have an obligation to the other partners in our consensus to make sure we get this into the record so we can implement it by January 1, 1987.

I do not want to be in the position of the previous government. In January 1984, the then Treasurer, now Leader of the Opposition (Mr.

Grossman), announced he was going to bring forward mandatory inflation protection. He subsequently had to retreat until he totally abandoned that concept.

We are going to bring it forward. The member has my commitment on that, but we want to bring it forward right.

**Mr. McClellan:** I have one more quote by the Minister of Consumer and Commercial Relations; it is dated September 1986 and comes from the Globe and Mail: "The Ontario government will act unilaterally and place inflation protection into its act, Kwinter said. No other province agreed to this plan, because it would discourage the growth of private pension funds."

Is the minister saying that he was misquoted, that his words were twisted, that he was distorted on six separate occasions by these two illustrious newspapers? Or is it rather the fact that the minister was making completely false statements in the campaign as a matter of systematic disinformation and that he had no intention of keeping his promises, as he has no intention of keeping his promise now?

**Mr. Speaker:** Order. I know the member was trying to use his words carefully.

**Mr. McClellan:** Answer yes or no.

**Hon. Mr. Kwinter:** It is not a yes or no answer. We have a situation where that role model, that paragon of government, the New Democratic Party government in Manitoba, has categorically refused to bring forward mandatory inflation protection. Every other jurisdiction in this country is refusing to do it. We are the only province that has said in its House, not that we are looking at it but that we are going to bring it forward. We will bring it forward; but when we bring it forward, we will do it under the advice of Mr. Pilkey, Mr. Friedland and Mr. Jackson. When that happens, we will bring forward a plan that will be reasonable.

I am sure all members will know, and I think the NDP members have ignored the fact, that only 39 per cent of the workers in Ontario are currently covered by private pension plans. Those private pension plans are voluntary, which means that unless we get the plan sponsors to go along with us, they will abandon these plans.

#### RESIGNATION OF ADVISORY COUNCIL PRESIDENT

**Mr. Shymko:** How does the Premier explain his government's shabby and demeaning treatment of Stan Frolick, president of the Ontario Advisory Council on Multiculturalism and Citizenship, and the insulting attitude shown to all

council members as well as 39 per cent of the population of Ontario by his refusal and the refusal of the Minister of Citizenship and Culture (Ms. Munro) to inform us, by way of a statement in this House, of his resignation, which the minister has known of since December 1? If he refuses to make such a statement, will he at least table the letter of resignation in this House? Why this coverup?

**Hon. Mr. Peterson:** My friend opposite, Ivan the Terrible, sees conspiracies everywhere. That is not the case.

He is right. I think his letter of resignation came to my attention yesterday or the day before, and I dictated a response to him thanking him for his service to the people of Ontario. The member would like to get copies of all our correspondence, I gather, but I think it is privileged. I do not have the right to release correspondence to him that is sent to me.

**Mr. Shymko:** It seems like "Thank you for your services, and good riddance."

Interjections.

**Mr. Shymko:** Mr. Speaker, I have a supplementary and I have been interrupted.

**Mr. Speaker:** I would be most happy if you would place it.

14:40

**Mr. Shymko:** Can the Premier explain the words of Mr. Frolick, who said he resigned because the council has steadfastly offered resistance to being used as a partisan political football and to any attempts to exploit the council for partisan gain? Is this the reason the Premier does not want to table the letter? Is this the reason there is no statement in this House?

**Hon. Mr. Peterson:** The member asked me to table the letter. Why does he not table the letter? He has it, I presume.

**Mr. Shymko:** I have not received any letter, and the Premier alleges that I have. It is a confidential letter, and I have not received a copy of it. It is an insult. The Premier is misleading the House by saying I have received a copy of the letter.

**Mr. Speaker:** Order. Will the honourable member take his seat?

Interjections.

**Mr. Speaker:** Will the honourable member take his seat?

**Mr. Mancini:** Throw him out.

**Mr. Speaker:** Order. Will the honourable member withdraw the word "misleading," with



which he accused the Premier just a moment ago? Will he, yes or no?

**Mr. Shymko:** Mr. Speaker, I have not received a copy of the letter.

Interjections.

**Mr. Speaker:** Order. I ask the member, will he withdraw it, yes or no?

**Mr. Shymko:** I will withdraw any insinuation—

Interjections.

**Mr. Speaker:** Order. I said yes or no.

**Mr. Shymko:** I have not received a copy of the letter.

Interjections.

**Mr. Speaker:** Order.

**Mr. Shymko:** Yes, I withdraw my statement.

Interjections.

**Mr. Speaker:** Order. New question.

**Mr. Harris:** The member asked a supplementary.

**Mr. Speaker:** I appreciate that.

**Mr. Harris:** We have not had the answer. We had the yelling and the bellyaching of all the clowns over here interrupting.

**Mr. Speaker:** Order.

**Mr. Harris:** The question was placed, and I would like—

**Mr. Speaker:** Order.

Interjections.

**Mr. Speaker:** I will once again wait until the members want to continue with the question period. I will now ask for a new question from the member for Windsor-Riverside (Mr. D. S. Cooke).

**Mr. Harris:** He did not answer the question.

**Mr. Shymko:** He has not answered mine. I have received no answer.

**Mr. Speaker:** Order. I ask the member for High Park-Swansea (Mr. Shymko) to read the standing orders. It is up to the Speaker to decide what questions are asked or whatever.

**Mr. Harris:** On a point of order, Mr. Speaker, I want to be clear: Are you ruling his supplementary out of order? Is that why you do not want the Premier to answer?

**Mr. Speaker:** I thank the member for his question. I would like to remind the members that, according to the standing orders—

Interjections.

**Mr. Speaker:** I am not ruling questions in or out of order. I am trying to keep order within the

question period and to make certain that as many members as possible may ask questions. Therefore, I am going to ask the member for Windsor-Riverside to put his question.

### EXTRA BILLING

**Mr. D. S. Cooke:** I have a question for the Minister of Health. Is he aware that as of November 30, 1986, there have been 86 patients reimbursed by the Ontario health insurance plan as a result of doctors extra billing, and there are another 138 people who have requested forms from the Ministry of Health because they think they have been extra billed, yet at this point is it still the fact that the Ministry of Health has not moved to collect one red cent from doctors in this province who have extra billed?

**Hon. Mr. Elston:** I am aware of those statistics. I understand they were provided as a result of questions raised in estimates. It is the case that we have not yet recovered money from any of the physicians.

**Mr. D. S. Cooke:** What is the policy of the government? Is the minister not aware that because he has taken no action to force doctors to meet the terms of Bill 94, doctors such as Dr. Steven Richie in Brantford send out letters saying they intend to continue to extra bill? Obstetricians such as Dr. Elliott Lyons at Mount Sinai Hospital continue to charge \$500 extra. Dr. Engle charges \$200 extra. Dr. Jong at the Credit Valley Hospital charges \$200 extra. The Bay Centre for Birth Control reports that almost two thirds of the doctors to whom it refers patients for therapeutic abortions charge administrative fees and that the fees range from \$25 to \$175.

Is the minister not aware that the message his government is sending to the doctors of this province is that they can extra bill and get away with it?

**Hon. Mr. Elston:** That is not the message being sent to the doctors of this province. In fact, we have been dealing first and foremost with the complaints as they have been brought to our attention by the patients. We are making the system work for the patients, which I think is the highest of priorities for all of us.

I checked into the one letter that was read in estimates Monday by the honourable gentleman. It was Dr. Richie's letter, if I am not mistaken. We had not received a copy of that, but I asked our staff to get a copy and pursue the question raised by the member in estimates on that day. I may have the wrong day in estimates, by the way. We are very interested in looking at those complaints so we can deal with the needs of the



patients first and foremost. We have not made decisions not to pursue doctors. In fact, the legislation has the mechanisms we can follow, and we will pursue in that manner those situations where those abuses have to be straightened out.

#### ACCESS TO ABORTION

**Ms. Fish:** I have a question for the Minister of Health. In September, his colleague the minister responsible for women's issues, the Attorney General (Mr. Scott), indicated that in November this government would have solved the problem of accessibility to abortions for women across this province and specifically mooted the possibility that Women's College Hospital would be made a special centre for abortion procedures for out-of-town women unable to secure therapeutic abortions in their communities. We are now well into December. What steps has the minister taken to ensure accessibility to abortions across this province to women?

**Hon. Mr. Elston:** The report on the analysis of access to that procedure is ongoing. In fact, I hope to receive some indication in the near future of whether the terms of reference of the study have been completed. We have not yet come up with any resolution that approaches the scenario the member just put forward, but we are actively considering the possibilities that exist for ensuring access in the province.

**Mr. Andrewes:** The problem of women accessing abortion services, particularly women in northern Ontario, is not a new one for the minister. The law is therefore an inequitable law; it cannot be applied fairly across the province. Given the fact that the minister and other members of this government have on many occasions promised better access to abortion services in the province, when can we expect this announcement?

**Hon. Mr. Elston:** If the honourable gentleman believes there is an inequitable law which has been passed by the federal authorities, he might well address his concerns to his colleagues in Ottawa to make that law much more equitable, if that is his concern.

We do have considerable concern about providing services to people in the north, and we have demonstrated our concern in many ways, including the initiation of travel grants for medically necessary treatments. Also, as I indicated to the member's colleague, the previous questioner, we are in the process of looking at the questions of access around the province, not in just one area.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question to the Minister of Labour, the swamp man. The Provincial Auditor's report indicated his ministry is totally disorganized and not capable of protecting workers. Let me ask the minister a question about designated substances.

Dr. Irving Selikoff has written a report that mechanics who do brake work replacement suffer from lung abnormalities, and the Environmental Protection Agency in the United States has put out a paper regarding asbestos disease among brake mechanics. Since the minister's new asbestos regulation has been in effect since March, can he indicate in how many garages there has been an asbestos assessment and in how many garages there is an asbestos control program to protect workers from getting mesothelioma?

14:50

**Hon. Mr. Wrye:** I will try to get that information to the honourable member in the next day or two. The member will not be surprised if I tell him I do not know how many garages we have inspected, how many garages have had assessments done or how many garages have asbestos control programs. The member asks an important question, and I will see that he gets a response.

**Mr. Martel:** Would the minister like to hazard a guess?

With respect to asbestos, since 25 former Bendix workers have cancer and since only two have received benefits, with one under appeal, can the minister tell me tomorrow—or maybe next week, because there are 12 answers I do not have from him now to questions I raised in the Legislature—why 22 claims have been denied and why the Minister of Labour is not funding anything or anyone to assist in locating the more than 2,000 workers who work at Bendix to try to find out if they are suffering from mesothelioma as a result of working for Bendix for more than a year?

**Hon. Mr. Wrye:** In an interview I gave a couple of weeks ago for a program which I think was aired earlier this week, I indicated that we are prepared to do an additional study to see what basis might be established for the granting of compensation claims.

The honourable gentleman is correct when he says that there have been 25 claims and only two have been accepted. It may well be that more ought to be; it may well be that some are related to the exposure that workers suffered in the

former Bendix plants in Windsor. That has to be established on some scientific basis, and we are prepared to move ahead with that.

#### UNIVERSITY DEVELOPMENT OF GRAVEL PIT

**Mr. Ferraro:** I have a question for the Minister of Colleges and Universities.

Interjections.

**Mr. Ferraro:** No, this is not a lob, honest. The minister does not even know I am going to ask this question. It pertains to the University of Guelph and a recent enterprise it has undertaken to develop an aggregate pit in the township of Puslinch, along with a private consortium.

Specifically, has the minister had any correspondence on this issue? Second, has he taken a position on whether the university, along with private enterprise, should be developing a gravel extraction site in any riding?

**Hon. Mr. Sorbara:** I hoped the member for Wellington South was going to ask me a question about another institution, but as long as he has brought up the question, we should deal with it.

**Mr. McClellan:** He read the wrong question. Is that what you are saying?

**Hon. Mr. Sorbara:** No, he did not. He was concerned about it and he raised the issue in this House; that is what this place is for.

**Mr. Speaker:** Interjections and responses to interjections are out of order.

**Hon. Mr. Sorbara:** I am not going to respond to his interjections any more. Besides, they are irrelevant.

I have received correspondence from residents of the township. In my responses to the correspondence, I said that the ministry is not taking a position. We feel there are procedures to deal with their concerns about use of the acreage as a gravel pit and that those procedures should be pursued.

**Mr. Ferraro:** I can understand the Tories hooting and hollering, but at least Pierre Berton would listen to the question. I cannot understand them.

Because my question deals with aggregate policy, which comes under the auspices of the Minister of Natural Resources (Mr. Kerrio), I would like to ask the same question of him, if I may.

Interjections.

**Mr. Ferraro:** May I do that?

**Mr. Martel:** No, no; get out of here.

**Mr. Speaker:** Order. There have been many occasions in this House when members have asked questions and have been given the opportunity to ask a supplementary that must flow directly out of the response of the minister who answered.

Any response from the Minister of Colleges and Universities?

**Hon. Mr. Sorbara:** Yes, I have.

**Mr. Ferraro:** In his cabinet discussions, has the minister discussed this matter with any of his colleagues?

**Hon. Mr. Sorbara:** It is a long-established parliamentary tradition that discussions in cabinet are not discussed outside cabinet, and we ought to maintain that tradition.

The Minister of Natural Resources and the Minister of Agriculture and Food (Mr. Riddell) are both aware of the issue, as I am. The land that is the subject of discussion in Puslinch township was purchased with funds provided many years ago by the Ministry of Colleges and Universities for educational purposes.

Our position is that any use of that land approved by the various ministries that would have to approve the use, and the revenue garnered from that use should be for educational purposes approved by my ministry. We are holding to that position.

**Mr. Runciman:** I have a question, Mr. Speaker, but I want to raise a point of order as well. It is something you should take under consideration. As a member of the official opposition, I am expressing a personal concern about the abuse of question period by members of the government.

**Hon. Mr. Sweeney:** I remember when you used to ask them in your own party. You did the same thing.

**Mr. Speaker:** Order.

**Mr. Runciman:** This never took place in the past, and I think it is something you should take under consideration, Mr. Speaker.

**Mr. Mancini:** Thirty seconds off the clock.

**Hon. Mr. Sweeney:** You personally did the same thing. Yes, you did.

**Mr. Speaker:** Order.

**Mr. Runciman:** That is garbage.

Interjections.

**Mr. Speaker:** Order. I know the member for Leeds wants to ask a question. Do you wish to ask a question?

**Mr. Runciman:** I wish to ask a question of the Minister of Health, if he can be broken apart from his good buddies.



**Mr. Ferraro:** Mr. Speaker, on a point of order: The record has to be clarified. The member said it was garbage I was talking about. It was aggregates; it is gravel. He obviously cannot tell the difference.

**Mr. Speaker:** Order. New question.

#### TOXIC CONTAMINANTS

**Mr. Runciman:** I have a question for the Minister of Health. In the township of Elizabethtown in my riding, residents surrounding the McDougall waste disposal site are required to filter their drinking water because of ground water contamination resulting from toxic chemical seepage. Virtually all the residents have suffered from cysts, rashes and assorted ailments; yet, despite recommendations of the Ministry of Environment, the local health unit has declined to undertake a health study.

Is the minister aware of this situation and is he prepared to intervene to ensure such a study is carried out?

**Hon. Mr. Elston:** I am not aware the health unit has declined, but I will take a look at the details of the case. We do not usually direct local health units to do things. They have very good reasons to make those decisions. I will look into the matter, because I am not aware of the reasons behind the decision, and I will report to the member.

**Mr. Runciman:** That is an interesting response. The Provincial Auditor recently pointed out weaknesses in the public health branch of the Ministry of Health. The minister is probably going to disagree, but would he consider agreeing that this case is yet another example of the ministry's failure to monitor health agencies adequately to ensure public health services are being carried out? Can he assure the House that staffing levels will be beefed up to address the auditor's concerns, despite his deputy minister's reluctance to do so?

**Hon. Mr. Elston:** That is certainly a different issue from the one at hand. The decisions that are being made at the local level by people who are trained in these matters—the medical officer of health and others—are not related to the question on which the auditor was reporting. Those two items are not connected. The honourable gentleman has just indicated he does not have confidence in the decision of the medical officer of health or of the board of health not to do the study. I told the honourable gentleman I will look into the decision that was made there to see what the basis of the decision was and report back to him.

The question about the auditor's report is separate. I think the honourable gentleman would accept that.

**15:00**

#### PUBLIC TRANSPORTATION FOR THE DISABLED

**Mr. Grande:** My question is of the Minister of Transportation and Communications. Wheelchair-bound people in Metropolitan Toronto who want to spend Christmas Day with their families outside Metro, namely, in Brampton, have to pay more than he and I have to pay for a round trip to Florida if we book well in advance.

Is the Minister of Transportation and Communications aware that for him and me a return trip to Brampton by public transportation on Christmas Day would cost \$8? If we went by taxi, it would cost us \$60 to \$70. For a wheelchair-bound person, the cost is the phenomenal sum of \$177.50, the cheapest rate, to \$192. What is the minister going to do to alleviate this unfair cost for the many disabled people who rely on special transit to be with their families on Christmas Day?

**Hon. Mr. Fulton:** It is a question my staff and I take quite seriously, and we are reviewing it very carefully. We have great respect for and co-operation with the people afflicted as the member has suggested.

We are working directly with the leaders of those groups. We recognize the problem within the Metropolitan Toronto boundaries with Wheel-Trans, etc. We are very aware of it and we are working with the regions through a task force we appointed a while ago, which will be responding to us in the near future, to address the kinds of questions and real concerns we inherited.

**Mr. Grande:** What advice does the minister have for Evelyn Snyder, a wheelchair-bound person who wants to be with her parents in Brampton on Christmas Day? She cannot afford the cost of \$192 to get to Brampton. What plans does the minister have to expand Wheel-Trans to communities outside Metropolitan Toronto?

**Hon. Mr. Fulton:** As the member is well aware, Wheel-Trans is limited to within the boundaries of Metropolitan Toronto. As I attempted to explain in my previous answer, we recognize that there are a lot of transportation needs within the regions surrounding Metropolitan Toronto and we are addressing them.

There may be organizations that can assist in the short term the case you bring to our attention.



I would offer to help to assist you with that individual case. We have had similar things in the east end of Metro, where I am. There are some agencies and others that are making that kind of service available. Perhaps with some interfacing, we may be of some immediate short-term assistance.

I can assure the member and the House that we have our staff and others from the groups he is referring to, with the help of my colleague the Minister without Portfolio responsible for disabled persons (Mr. Ruprecht), working very hard on trying to address and find the funding to address the issues he raises.

#### PROTECTION FOR HOME BUYERS

**Mr. O'Connor:** I have a question of the Minister of Consumer and Commercial Relations. The minister has told us that the government is continuing to meet with new home builders but that no final decision on measures to protect new home buyers has been completed. We learned this morning, upon checking with John Carbone, who is the president of the Toronto Home Builders' Association, that the meetings were completed several days ago and there are no further plans whatsoever for meetings. He wondered what I was talking about with respect to continuing meetings.

Will the minister tell us why he is stalling on this issue and when we may hear something positive by way of assistance to new home buyers?

**Hon. Mr. Kwinter:** The member will know that the officials in my ministry and the industry have been meeting, and the industry has made proposals about how it hopes to address this problem. It is their decision when they will announce it. They informed me they expect to announce it—and this was three or four days ago—within a week to 10 days. That now has been shortened, and I expect they will be making the announcement some time in the coming week.

**Mr. O'Connor:** Perhaps the minister should check with his officials to determine this: in fact, the meetings have not been carried on in the past few days and nothing is happening.

Some nine months ago I proposed to the minister a five-point legislative program to assist new home buyers, and he acknowledged it by way of an encouraging letter; I might put it that way. The situation has now got completely out of control with many more buyers having their contracts cancelled and with it being obvious that the industry cannot police and legislate itself.

Will the minister consider some simple legislative process to assist these buyers, such as registration of lots before they are allowed to be sold, as a number one point?

**Hon. Mr. Kwinter:** There may be a bit of confusion. When I talked about meeting with the industry in the past few days, it was not to discuss the program further. The member is right. Those discussions have finished. The meeting in the past few days was to discuss the specific problem in Bolton. I should tell the members of the House that I have been informed just as we have been sitting here today that the registrar of the new home warranty program is proposing to revoke the registration of the builder in the Georgian homes situation. That is taking place.

However, the issue that we are talking about, the proposals that I think will solve most of the problems, is something that is industry-driven. They have made the proposal. They have done it in consultation with people in my ministry. They have asked that they be given the opportunity to announce it, and I expect that will happen in the next few days.

#### MINISTRY RELOCATION

**Mr. Morin-Strom:** In the absence of the Premier (Mr. Peterson), I have a question for the acting Minister of Government Services about the jobs promised to Sault Ste. Marie. It is about the need to relocate those jobs and, in particular, the need for a facility that has to be constructed in the Sault to house the employees taking the 360 jobs that have been promised to the Sault.

The executive co-ordinator of the northern Ontario relocation program has told me that the site selection decision is imminent. However, construction may not start until the second half of 1987. With a construction period estimated at 18 to 24 months, the 360 jobs will not be coming to Sault Ste. Marie until some time in 1989.

Can the minister tell us his timetable for this important initiative? Will he intervene with the government bureaucracy to see that this important initiative is moved up and that we will see those jobs as soon as possible?

**Hon. Mr. Conway:** I appreciate the honourable member's question. I know of his interest in and concern about the project. I simply indicate, as the Premier did when he was in Sault Ste. Marie not many weeks ago, that this is a very significant project. Speaking to this government's commitment to northern Ontario, as the Premier said, we are determined to move forward as quickly as we possibly can. I expect that will be done.

The member is quite right. At the Ministry of Government Services right now, we are reviewing the various sites that are to be considered. I can assure the member we will move forward in that consideration at the greatest possible speed. We are very anxious to move those jobs to Sault Ste. Marie at the earliest opportunity and in the best possible way.

**Mr. Morin-Strom:** There was considerable flowery language there and a commendation for themselves, but there was no indication at all when the jobs are coming, when construction is going to start and what the timetable is for the project. We are awaiting the decision. We know the 1,500 jobs that are going to be lost at Algoma Steel will be lost by the middle of 1987. The minister is indicating to us that we may not see them—

**Mr. Speaker:** The member has already asked three supplementary questions.

**Hon. Mr. Conway:** I said earlier and I repeat for the member and for anyone else who might be interested that, as the Premier has said, this is a priority for this government and we intend to move as quickly as we possibly can. I expect to be making the decision about site selection in the very near future. Once that is done, we will proceed as quickly and as efficiently as we can, with due regard to the interests of the Sault Ste. Marie community and the various clients that we at the Ministry of Government Services obviously want to serve.

15:10

#### MERCHANTS' USE OF FIREARMS

**Mr. Mancini:** My question is to the acting Solicitor General. Today in the morning newspapers it was reported that a newly appointed commissioner on the Metropolitan Toronto police commission—appointed by Metro council, I may add—has stated he feels it is in the best interests of the community that some merchants should arm themselves in areas of high crime.

Because of the several tragic circumstances that have taken place across Canada, two in Quebec and one in Alberta, where merchants have shot and killed intruders, I ask the acting Solicitor General whether he could—

**Mr. Speaker:** With respect, we have gone 60 seconds, and I thought perhaps you had concluded your question. Please ask your question quickly.

**Mr. Mancini:** I ask the acting Solicitor General whether he can offer his views on behalf

of the government of Ontario on this very important matter.

**Hon. Mr. Scott:** I thank the honourable member for the question. The government does not accept the kind of statement that was made by the commissioner in Metropolitan Toronto.

#### USE OF TIME IN QUESTION PERIOD

**Mr. Speaker:** Is the member for Sarnia rising on a point of privilege or a point of order?

**Mr. Brandt:** It is a point of personal privilege.

**Mr. Speaker:** Personal privilege?

**Mr. Brandt:** That is right, and you do not know what it is until I tell you.

**Mr. Speaker:** No. Under what standing order?

**Mr. Brandt:** The point of personal privilege is that the past two or three minutes of question period have been denied the members of the opposition, to whom they have always historically and traditionally been given in this House. That was a ludicrous question, set up for no other purpose than to kill the clock. You know it, and we know it.

Interjections.

**Mr. Speaker:** Order. Now that the members have wasted all the final time remaining, time for oral questions has expired.

**Mr. Mancini:** On a point of order, Mr. Speaker: Under the standing orders of the Legislative Assembly, which all members are familiar with, are you going to reaffirm the rights of all members of this House, who are supposed to be equal and who do have the right under the standing orders to pose questions to any ministers, except their own, when they wish to do so?

**Mr. Sterling:** Concerning this debate on the point of order, standing order 29(b) does read that parties shall have questions in order by rotation. It is important in dealing with this matter to note that this standing order is in direct contravention of my rights and privileges as a member of this Legislature. I want to explain exactly why. It is important that you know why, Mr. Speaker.

There are approximately 100 private members sitting in this House. There are 50 in this party, 25 in the New Democratic Party and 27 in the Liberal Party. On behalf of my constituents in Carleton-Grenville, I have only half the chance of asking a question each day in this Legislature as a private member from the New Democratic Party or the Liberal Party, and therefore—



Interjections.

**Mr. Speaker:** Order. And therefore?

**Mr. Sterling:** Therefore, my privileges as a member are being abrogated by this standing order. I ask you to refer this to the standing committee on the Legislative Assembly to have this whole matter looked into so equity can be given to the members of the Progressive Conservative Party.

**Mr. Wildman:** On the same point of order, Mr. Speaker: I understand the frustration of the members of the official opposition, and I certainly understand the frustration of their constituents. I think all of us here would sympathize with the constituents of the members of the Conservative Party. I hope you will affirm—

**Mr. Runciman:** You do not care; you are still in bed with those guys. Why not act like a member of the opposition? You want to be over there; walk right over. You are a phoney.

**Mr. Speaker:** Order. It is the Speaker's duty to make certain that all members have an opportunity to express their views, and I hope the member for Leeds (Mr. Runciman) will assist the Speaker in allowing the member for Algoma to complete his comments on that point of order.

**Mr. Wildman:** I was just going to say, Mr. Speaker, that I hope you, as the officer of the Legislative Assembly who is responsible for protecting the rights of all members of the House, will affirm that all private members, no matter what their political affiliation, have the right to raise questions in this House.

However, I also hope you will make it clear to all members of the House that it is indeed the responsibility of the government during the question period to answer questions that are posed in a serious way on the important issues of the day. It would be unfortunate if some members of one party in particular were to use the time in the question period to ensure that opposition questions were not raised.

Interjections.

**Mr. Speaker:** Order. I would be willing to make a ruling on that. However, I want to be fair to all. If members want to listen to the member for York Centre, the member has the floor.

**Mr. Cousens:** Mr. Speaker, the member for Essex South (Mr. Mancini) had three minutes, in which time he was able to ask his question, and you did not allow the acting Solicitor General (Mr. Scott) to have the opportunity to respond to that question. If he does not have a chance to do it now, tomorrow we are going to see the member

for Essex South stand up again and take more time of the House. Why not extend the time now so we can at least get him put away for today?

**Mr. Cordiano:** I would like to speak to that same point, Mr. Speaker.

**Mr. Speaker:** Oh well, feel free.

Interjections.

**Mr. Speaker:** Order.

15:20

**Mr. Cordiano:** We can all understand the frustrations of members of the opposition; they want all the time to themselves. However, the people of my constituency want to hear from this party, and if I ask a question they have—

Interjections.

**Mr. Speaker:** Order. I could not hear whether you were on the point of order.

Interjections.

**Mr. Speaker:** Order. Please allow the member for Downsview to continue.

**Mr. Cordiano:** With all due respect, the questions asked by back-benchers of the government party have a legitimate place in this House. We have a point of view, and if we want to get that across, we can do that. That is the right in this House. Our privileges would be undermined, and I do not think members of the opposition would have it that way.

Interjections.

**Mr. Speaker:** Order. The member for Dufferin-Simcoe, on the same point, I hope.

**Mr. McCague:** I listened as carefully as one could to the question asked by the member for Essex South. After a one-and-a-half-minute preamble, he asked the acting Solicitor General if he could express his opinion on the subject. I contend that is a misuse of question period, because if the acting Solicitor General had something to say on the subject, such as expressing his views, he should have done it as a government statement and not used up question time.

Interjections.

**Mr. Speaker:** Order.

**Mr. Brandt:** I want to be as fair and as objective on this question as possible in the circumstances. I would like to point out that, as we got to the end of question period, the member for Essex South took up the last few moments by asking a question of a minister he could lean right over to, who was almost physically in contact with him; that is how close they were.



Second, what is so frustrating for my colleagues and the members on this side of the House is that we have tabled with this government a series of questions that are in Orders and Notices, and he even refused to answer those questions. He will not answer questions in the House, and he will not answer questions in Orders and Notices.

**Mr. Cousens:** I would like to be recognized, Mr. Speaker.

**Mr. Speaker:** I think I recognized the member once.

**Mr. Cousens:** I am standing to be recognized again.

**Mr. Speaker:** I am sorry.

**Mr. Cousens:** Mr. Speaker, I ask to be recognized.

Interjections.

**Mr. Speaker:** Order. I hope the member for York Centre realizes that any member can be recognized once on a subject. Have I recognized him once before on this point of order?

**Mr. Cousens:** Yes, but I am asking for an answer to the question I raised.

**Mr. Speaker:** Order. Will the member resume his seat?

I have listened with great interest to the members on this point of order—

**Mrs. Marland:** Mr. Speaker, on the same point of order regarding the question of the member for Essex South to the member for St. David (Mr. Scott): As I recall his precise words, he was asking the opinion of the Attorney General. Is it within your purview, Mr. Speaker, to tell me whether questions ask for an opinion or for an answer?

**Mr. Speaker:** There have been many questions asked of the Speaker. I will be glad to make a lengthy response. I can probably refer to question of the member for Mississauga South (Mrs. Marland) at a future time.

On the main thrust of the point raised by many members, I must remind all members that it is this House that sets the standing orders. You are the people, and I am included, who accepted the rules set out by the standing committee on the Legislative Assembly. It is up to me as Speaker to make certain those rules are upheld.

There seemed to be some concern by the member for Carleton-Grenville (Mr. Sterling) that the time was unfair for some of the members. Again, I must remind you the standing orders are very clear that the Speaker will recognize all members on a rotation basis. It is in the

recommendations set out by the standing orders. That is what I am doing. Therefore, I can only say that I have tried to uphold the standing orders to be fair for all members.

**Mr. Mitchell:** I rose on this point of order attempting to draw your attention—

**Mr. Speaker:** I am sorry.

**Mr. Mitchell:** I feel it must be said—

**Mr. Speaker:** Order. With respect, it is a very important point. However, the original point and the point continued by the member for Carleton-Grenville was that fairness should be shown. I have ruled that fairness has been shown according to the standing orders set out by the committee. If the member for Carleton (Mr. Mitchell) has another point of order, fine.

**Mr. Mitchell:** It is on the same point of order. Normally, I am a pretty quiet individual.

**Mr. Speaker:** I agree.

**Mr. Mitchell:** However, I should point out, and you as Speaker should recognize, that the question with which the member for Essex South took up all the time was a question that had been previously asked.

Interjections.

**Mr. Speaker:** Order. I will be glad to send the honourable members the exact time it took for all the questions and responses, if they so desire.

**Mr. Bernier:** Mr. Speaker, on a point of privilege: I was most interested in your comment that your job is to protect and to hear all members of the Legislature in fairness.

I want to point out that today is an anniversary for the government, because 365 days ago I put a question in Orders and Notices, question 141. I want to celebrate that event, because it has not been answered yet. I would like to read that question into the record, if possible. I point this out for the fourth time and urge you to use your office to get an answer to this very simple question.

**Mr. Speaker:** The member has a point of order. Since you have drawn that to the attention of the Speaker, he will make certain the government House leader is aware of it.

**Mr. Sterling:** On a point of order, Mr. Speaker: I appreciate your ruling. I think you have ruled correctly according to the standing orders. I would like to say that those standing orders—

**Mr. Speaker:** Order. With respect, you are on the same point. You are referring to my ruling.

**Mr. Sterling:** I want to indicate to you that there is a point of order—

**Mr. Speaker:** Order. With respect, you are referring to the ruling I made on the point of order. If you are on another point of order, fine.

15:30

**Mr. Sterling:** Mr. Speaker—

**Mr. Speaker:** On what standing order?

**Mr. Sterling:** On standing order 29(b), which deals with the right of a member to ask questions. That rule was founded upon the assumption by members of the opposition that the normal course of events in the Legislature would be that the government private members would ask questions—

**Mr. Speaker:** Order. With respect, the member is referring to the same matter we have dealt with. I am sorry.

**Mr. Cousens:** On a point of order, Mr. Speaker.

**Mr. Speaker:** On what standing order?

**Mr. Cousens:** It has to do with standing order 29. My question has to do with future question periods. If a member is asking a question before question period expires and if the question has been completed, will it be your policy, Mr. Speaker, that the answer be given to that question, even if the time for the answer is beyond the hour allotted?

**Mr. Martel:** That has always been the case. Don't be silly.

**Mr. Cousens:** That is what happened today. Today a person asked a question and we did not get the answer after question period. Will that be your new policy, Mr. Speaker, or is that the policy of this House?

**Mr. Martel:** Would you get somebody to teach them the rules?

**Mr. Speaker:** I am not here to debate it. The simple rule is, as it has been in the past, that if the question is asked—

**Mr. Cousens:** The answer was not given.

Interjections.

**Mr. Speaker:** Order. The honourable members do not want to know the rule.

## PETITIONS

### NATUROPATHY

**Mr. Newman:** I have a petition from Dr. Alan J. Bell, doctor of chiropractic and naturopathy from the city of Windsor. It is signed by 30 people, who visited my office in the constituency of Windsor-Walkerville. It reads:

"To the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

**Ms. Gigantes:** In the absence of the member for Windsor-Riverside (Mr. D. S. Cooke), I present the following petition:

"To the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

It is signed by 60 residents of the riding of Windsor-Riverside.

## SUNDAY TRADING

**Mr. Rowe:** I have a petition for the Honourable the Lieutenant Governor from the Trinity Anglican Church in Barrie. It reads:

"We, the undersigned, believe in the importance of keeping Sunday as a holy day in order that all people may grow in holiness. For this they need regular time for recreation together."

It is signed by some 200 members.

## REPORTS BY COMMITTEES

### COMITÉ PERMANENT DES RÉGLEMENTS ET DES PROJETS DE LOI D'INTÉRÊT PRIVÉ

M. Poirier du Comité permanent des règlements et des projets de loi d'intérêt privé présente le rapport suivant et propose son adoption:

Your committee begs to report the following bills as amended:

Bill Pr25, An Act respecting the City of Toronto;

Bill Pr28, An Act respecting the City of London.

La motion est adoptée.

#### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Breaugh from the standing committee on the Legislative Assembly presented the following report and moved the adoption of its recommendations.

**Mr. Breaugh:** This is the response from the Legislative Assembly committee on the Aird report on conflict-of-interest matters. As members know, only an unfeeling, insensitive, stupid, arrogant government would proceed with legislation prior to the acceptance of a report from a committee that had been charged with looking at conflict of interest. Surely that would never happen in this assembly.

The report attempts to put to the assembly the general principles that the members of the committee found necessary for good conflict-of-interest legislation. It is not a unanimous report, and I want to make that clear. There is a dissenting opinion and, to be fair about it, several members of the committee are unhappy with the notion that conflict-of-interest provisions should apply to all members; however, that is one of our recommendations.

It would be worth while now for the assembly itself to have a scheduled debate on this matter, certainly if the conflict-of-interest guidelines are to be done by law and apply to all members. I put forward to members, before we even begin the debate, that an important criterion will be that the guidelines and legislation are acceptable to virtually all members of the assembly; certainly, the concept has to be in place.

On motion by Mr. Breaugh, the debate was adjourned.

#### MOTION

#### COMMITTEE MEETING

Hon. Mr. Nixon moved that the standing committee on government agencies be authorized to meet today following routine proceedings.

Motion agreed to.

#### INTRODUCTION OF BILL

#### ONTARIO ENVIRONMENTAL RIGHTS ACT

Mrs. Grier moved first reading of Bill 172, An Act respecting Environmental Rights in Ontario.

**Mrs. Grier:** The purpose of this bill is to extend environmental rights to citizens in Ontar-

io. The bill of rights would give citizens the right to go to court to protect the environment where damage is being done; would ensure that decisions are not made or approvals granted without notifying the community or without people having the right to a public hearing; would guarantee people access to information relating to environmental issues such as the toxicity of chemicals; would set up funding for interveners where there is a hearing; and would protect workers who refuse to pollute from reprisals by their employers.

I am glad that the Minister of Health (Mr. Elston) is in the chamber as I introduce this bill because I confess that the bill has a somewhat mixed parentage. An environmental bill of rights was introduced by my colleague the member for Beaches-Woodbine (Ms. Bryden) in 1980. The Minister of Health will find, as I am sure he will do shortly when he reads the bill of rights I have introduced today, that it also bears a very close resemblance to the bill he introduced in April 1982.

Given that support from the government side of the House, I have total assurance that this bill will find favour and be passed very shortly.

#### ORDERS OF THE DAY

House in committee of the whole.

#### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT

Resuming consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

15:40

**Hon. Mr. Elston:** May I ask permission to be seated at the place in front of the table?

**Mr. Chairman:** Do we have unanimous consent for Mr. Elston to be seated in the front row, in front of the table?

Agreed to.

**Mr. Chairman:** Are there any amendments, comments or questions? To what section?

On section 33:

**Ms. Gigantes:** I hope I am moving in order here. I believe the amendment I should be placing at this time is to section 33.

**Mr. Chairman:** Ms. Gigantes moves that section 33 of the bill be amended by adding thereto the following subsection:

“(37a) Subsection 33d(2) of the said act, as enacted by the Revised Statutes of Ontario,



1980, chapter 262, section 67, is repealed and the following substituted therefor:

"(2) Subject to subsections 29(6) and (7), where a party to a proceeding is 16 years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and copy any clinical record prepared in respect of the patient.

"(3) Subject to subsections 29(6) and (7), where a party to a proceeding is under the age of 16 years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient.

"(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party."

**Ms. Gigantes:** The import of this amendment is to make a provision that the patient who is under 16 years or is not mentally competent will have at least some means of access to his or her own clinical record for purposes of a review board or a court hearing. We have established already, in a previous amendment to Bill 7, that the competent patient who is over 16 years has such a right. What is provided in subsections 3 and 4 in the amendment I have put forward here is a right which is not unrestricted but which provides access for a patient who is under 16 and/or not mentally competent.

It provides that the agent or the lawyer representing the party should have access to the clinical record. It says specifically that the counsel or agent may share the contents of that record with the patient. It seems both normal and necessary that a person who is involved in a hearing on his or her status in a psychiatric institution in Ontario should be able to have some access to the clinical records which will be put in evidence at that hearing. This motion attempts to provide that access.

**Hon. Mr. Elston:** I rise to indicate that we are in favour of this amendment and to thank the critics of the other two parties for consulting with us in cleaning up the wording. We will support the amendment.

**Mr. O'Connor:** Our party is in favour of the amendment also. We have discussed it among the parties and we are agreeable to the wording, although subsection 4 seems somewhat redundant in that it seems to me, as a lawyer, an obligation or a duty of counsel or agent representing a party to disclose and discuss with that party any information or documents he or she has received on behalf of his or her client.

However, the addition of subsection 4 does not in any way detract from the other sections, so we are content that it stay there.

Motion agreed to.

**Mr. Chairman:** Ms. Gigantes moves that section 33 of the bill, as reprinted by the Attorney General, be amended by adding thereto the following subsection:

"51(a) Clause 35(4)(a) of the said act is repealed and the following substituted therefor:

"(a) an involuntary patient is not mentally competent, and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and...."

**Ms. Gigantes:** The purpose of this amendment—and I hope it is one which all parties will support during our discussions today—is to provide that a competent patient shall have an absolute right to decide whether or not a certain course of treatment shall be carried out. We are talking about a competent, involuntary patient. It seems to me that when we talk of a person of that status, we are discussing a question that has the highest ramifications in terms of its implications for human rights.

While the clause that is before us as an amendment is a rather complex clause, it has the effect of ensuring that competent patients have the right to refuse treatment. Part of the generation of concern on this issue that has gone on over the years has been the consideration of electroshock therapy. It has become enough of a question, in terms of civil liberties in this province, that we have had to go through a long, complex discussion of how we should be handling the rights of a competent, involuntary psychiatric patient.

We have had a very thorough report by a high-powered review committee, the Electroconvulsive Therapy Review Committee. That committee, in speaking to the issue of electroconvulsive therapy, spoke not only about that particular therapy but about any therapy. It said in part, "There must be established a process for the determination of competency in a judicial or quasi-judicial manner—" we have that now, but in a questionable manner"—and that unless an individual is determined by this process to be incompetent to make treatments decisions, such individual should have the absolute right to consent or refuse treatment and this decision should not be subject to review. The committee recommends that the Mental Health Act be amended accordingly."

That is the purpose of the amendment before us. When we approve this amendment, as I hope we will today, we will not be breaking new ground in terms of the rights of psychiatric patients in Canada. Nova Scotia has had such a procedure, a safeguard for competent patients and their right to refuse treatment, in place for years. As far as one can ascertain, the treatment of psychiatric patients in Nova Scotia is no less powerful or good because of that different procedure. I hope we will have support from all sides of the House for this step.

**Hon. Mr. Elston:** We will not be supporting this amendment. The suggestion of the honourable member that other areas have taken steps to deal with legislation similar to this is noted, but I must indicate that the latest draft of the Uniform Mental Health Act, which is under ongoing development, actually has adopted the position which is currently before the House in the unamended fashion. That is done by deliberation of people interested in this topic from right across Canada. I have to indicate to the honourable members that from our standpoint we would not want to deviate from that.

I am likewise concerned that the amendment itself would in many ways reduce the institutions to a role of being places of incarceration, actually, for patients who have already been committed to those facilities for the purpose of treatment being delivered. I would not want to see the people who are responsible for delivery of treatment prevented from carrying out the function they have been directed to perform. Thus, from our standpoint, we are not willing to support this amendment at this time.

15:50

**Ms. Gigantes:** We have heard this kind of comment from the minister and from ministry spokespeople before. We can wait for ever to make progress in this area. There is no excuse at this stage for Ontario to proceed with a really retrograde kind of process that deprives competent patients of the right to refuse treatment. It is absolutely intolerable in the light of the equality rights section of the charter and, indeed, of the charter itself. What could be more fundamental to human rights than the right as a competent person, whether a voluntary or an involuntary patient, to decide whether to undergo a certain course of treatment?

The minister raises the spectre of competent involuntary patients who will be left with no treatment. This is a bogymen that has been raised by the people who are in the profession of treating psychiatric patients. I think the minister

would do well to remember that schoolteachers, who are told to take a class of 30 pupils and deal with the willing and the unwilling and to find the ways to provide education to the willing students and the unwilling, have managed through decades of experience and care to communicate with their students so that a course of education is voluntarily undertaken and to provide alternative methods and programs for students, so that a course of education is voluntarily undertaken.

There is nothing in the literature—and there is much literature on this subject—to indicate that there is any better prognosis for involuntary patients who are competent and who are forced to take treatment than for involuntary patients who are allowed to make a choice about whether they take treatment. The minister's argument loses effect more each day. He knows perfectly well that the whole approach that is being undertaken in the work of the Advisory Committee on Substitute Decision-Making for Mentally Incapable Persons is in the direction of the amendment before us, and there is no reason for us to wait on this very important amendment.

**Mr. O'Connor:** Mr. Chairman, I am going to ask your indulgence and ask that this matter be delayed or stood down very briefly. There are other members of our party who wish to make some comment on it, who cannot be here immediately. I wonder whether it would be possible to go on to another matter and come back to this within a brief period of time, perhaps 15 or 20 minutes.

**Mr. Chairman:** Only with unanimous consent. Is there unanimous consent?

**Mr. McClellan:** We had an understanding that we could stand it down for 15 minutes or so and continue.

**Hon. Mr. Elston:** Nobody has asked me. Nobody even asked or suggested that this was going to take place.

**Mr. McClellan:** I am sorry. I said I had an understanding that this was being requested, only because I happen to have the advantage of sitting beside my honourable colleague here. I am simply saying I have no objection to standing this down for a few minutes. It is normal procedure in committee of the whole House to stand sections down and come back to them. I have no objection.

**Mr. Chairman:** Is there unanimous consent to stand this matter down for 15 minutes?

Agreed to.

**Mr. Chairman:** Shall we go on?



**Mr. Reville:** I have two connected amendments.

**Mr. Chairman:** Mr. Reville moves that section 33 of the bill be amended by adding thereto the following subsection:

“(17a) Section 23 of the said act is amended by adding thereto the following subsections:

“(3) The officer in charge of a psychiatric facility shall not transfer a patient to the Oak Ridge division of the mental health centre at Penetanguishene or to any other facility or part of a facility that is designated in the regulations as a maximum security area.

“(4) Subsection (3) does not apply in respect of a patient who pursuant to the Criminal Code (Canada) is,

(a) remanded to custody for observation; or

(b) detained under the authority of a warrant of the Lieutenant Governor.”

**Mr. Reville:** This amendment deals with a subject that was addressed in the committee and I understand was debated somewhat extensively. It has to do with the transfer of a patient from a provincial psychiatric hospital to the maximum security facility known as Oak Ridge. As a companion amendment, I provide an amendment to the regulation section of the Mental Health Act that allows the Lieutenant Governor to designate psychiatric facilities as maximum security.

The point of this amendment is to prevent the transfer to Oak Ridge of a person who is civilly committed. It is a very simple amendment. It deals directly with what has been identified as a problem. The Oak Ridge facility currently serves, and I use that verb in quotes, those who are on Lieutenant Governor's warrants. That is because they have been found not guilty by reason of insanity or they have been found unfit to stand trial. Also among the census of that hospital are those who are there on a warrant of remand. They are dealt with in a forensic unit.

A large number of the census at Oak Ridge are civilly committed patients from other parts of the psychiatric establishment in Ontario. They are sent there because, for various reasons, the sending hospital has decided it no longer wants to deal with a patient. The Hucker report identifies the mixing of civilly committed patients and those who are there because of alleged criminal behaviour as a problem.

Having visited the Oak Ridge facility, I can well understand why that would be a problem. In my view, Oak Ridge is nothing more than a set of connected cages in which it is inappropriate to keep anyone, whether they be on a Lieutenant Governor's warrant or not. It strikes me that a

civilly committed person who has never been accused of an offence under the Criminal Code should never under any circumstances suffer the fate of being sent to Oak Ridge.

This amendment would go a long way to dealing with the enormous problems experienced at Oak Ridge by reducing the potential census by about one half. It is more appropriate for psychiatric facilities to deal with problems in a decentralized way. One of the outcomes for people who are sent to Oak Ridge is that they stay a very long time in a very untherapeutic atmosphere. Most of the committee that dealt with the Hucker report, which was tabled by the minister in December 1985, took the view that patients who were civilly committed and faced no criminal charges should be held in separate facilities from those who have been involved with the law.

That is what this amendment will do. It is important that this amendment receive support. In the event it does not, it will not be necessary for me to move my second amendment because it is complementary.

**16:00**

**Mr. Chairman:** Does any other member wish to participate in the debate?

**Hon. Mr. Elston:** Mr. Chairman, I do wish to participate. As I understand it, the honourable gentleman is quite correct. Although I was not in the committee at the time of the debate, as I understand it, a similar proposal was made and defeated in the committee. I understand there are some people who, although not charged with a crime or convicted of a crime, are civilly committed from another facility because they are considered very dangerous and may have been in another facility that was not able to deal with their case in any way.

If someone is assigned to Oak Ridge now, a full report has to be done to the assistant deputy minister, Mr. Corder, in the Ministry of Health, mental health branch, indicating why the transfer had to be made and justifying the fact that the transfer was made. We see this as an appropriate way to continue at the moment. I ask that this amendment again be defeated.

**Mr. Chairman:** Shall the amendment to subsection 33(17a) carry?

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Motion negatived.

**Mr. Reville:** I will withdraw my second amendment because there now is no need for it.



**Mr. Chairman:** Thank you.

**Mr. McClellan:** There is still a need for it. It is just that the Legislature does not understand the need for it.

**Mr. Chairman:** I was aware of what he meant. I guess we had better carry on; the 15 minutes are not up.

On section 70:

**Mr. Chairman:** The next amendment, I say with trepidation in being presumptuous enough to suggest it, is clause 70(1)(c).

**Hon. Mr. Scott:** As I understand it, there are a number of amendments to this section, including the amendment of which notice was given yesterday to be introduced by the member for High Park-Swansea (Mr. Shymko). Can I suggest to the House, if it agrees, that the other amendments, though perhaps not in order, be dealt with first and his be dealt with last.

**Mr. Harris:** What is your suggestion, that you are going to deal with all of yours first?

**Hon. Mr. Scott:** Yes, and then he can deal with his last.

**Mr. Chairman:** That is the appropriate order. His is subsection 70(6).

Hon. Mr. Scott moves that subsection 70(1) of the bill be amended by adding thereto the following clause:

“(ba) Section 14.

**Hon. Mr. Scott:** If the House will agree, I would like permission to move at the same time the next amendment, which is connected with it. The two cannot be considered in isolation.

The intent of the two amendments, which work together, is to postpone the proclamation of one of the sections of the act to March 1, 1987. If I could move the second motion with the consent of the House, perhaps the debate on the two motions could take place at the same time.

**Mr. Chairman:** Is it clearer that way? Is it clearer to have the minister's discussion on the first and then on the second, or are they intertwined? Are all points relevant to both?

**Hon. Mr. Scott:** They are relevant to both.

**Mr. Chairman:** Is there unanimous consent of the House to discuss the two subsections together and then carry them one after the other?

Agreed to.

**Mr. Chairman:** Hon. Mr. Scott moves that section 70 of the bill be amended by adding thereto the following subsection:

“(2a) Section 14 comes into force on the first day of March, 1987.”

**Hon. Mr. Scott:** The intent of this is to postpone the proclamation of section 14 of the bill to March 1, 1987. Section 14 concerns employment of handicapped persons at less than the minimum wage. The repeal of section 24 of the Employment Standards Act, which is what section 14 does, means that permits for the hiring of handicapped people at below the minimum wage will hereinafter be prohibited.

I am advised by the Ministry of Labour that the immediate implementation of this important and desirable reform will mean that a number of employees who are handicapped and who are now working for employers who have not been paying the minimum wage will be promptly released from employment. That is an undesirable result, although in the longer term, the intent of the Legislature that every handicapped person working in private employment should be paid the minimum wage is the right approach.

If the bill is passed and proclaimed, those permits would cease to have validity. The ministry proposes that there be, in effect, an extension to March 1, so that other programs can be put in place to assure that those employees will not lose their employment.

The natural question is why those programs cannot be put in place immediately, thereby permitting the immediate proclamation of the section. I am advised that in so far as those programs designed to close the gap between the below-minimum wage and the minimum wage for handicapped persons in those categories depends on the expenditure of government moneys, there is no legislative authority at present for that expenditure. It is on that basis that we advance this amendment. It is essentially to try to save the jobs of 100 persons who may lose their employment upon proclamation of the act.

I undertake to the Legislature that the Ministry of Community and Social Services and the Ministry of Labour will work diligently in the intervening period to assure that all reasonable steps are taken to reduce the impact of this important remedial law on persons who are now working in establishments that may not be prepared to pay the minimum wage.

**Mr. McClellan:** I want to comment briefly on this initiative that is being taken, because it is such an important one. I did some work on this issue in my capacity of social services critic for the New Democratic Party in the middle and late 1970s. I believe I did the first survey of the so-called wages that were actually being paid to

physically handicapped people working in various places of so-called employment.

**16:10**

That survey, in either 1977 or 1978, found an average wage of 36 cents per hour. Further work discovered that there were no ministerial permits and that people were being employed on a full-time basis in places of employment without the requirement of the employer obtaining an exemption from the minimum wage laws of this province, without workers' compensation coverage and without coverage of our health and safety legislation.

Then followed a period of studious inactivity on the part of the previous government. The Minister of Labour and the Minister of Community and Social Services of the day commissioned studies. They all documented the injustice and the illegality of the situation that was being inflicted on handicapped workers in places of employment.

I am personally delighted that this situation is being abolished with the amendments to Bill 7. It is regrettable that the ministry needs additional time, I presume to make sure that money is made available to the sheltered employment agencies, to make sure that nobody has to be unemployed even for a single day.

It is regrettable that there had to be that gap in time, but we do not want to risk anybody having to be laid off as a result of the abolition of a fundamentally unjust and irrational system of employing handicapped people. The government has had since June 1986 to put the system in place.

The fact is that if we do not pass this amendment, I am given to understand handicapped people are liable to suffer. The physically handicapped workers have been waiting for more than a decade to have these injustices corrected.

I want to pay tribute in particular to the work done by the Advocacy Resource Centre for the Handicapped, which has taken on this cause as its own and forced governments to respond to the injustices, to provide workers' compensation coverage and finally to recognize that physically handicapped people have the right to full protection of the Employment Standards Act of this province.

**Mr. O'Connor:** I have some concern about the delay proposed by the minister in achieving this very admirable goal, which has been a very long time coming for physically and mentally handicapped persons in our province.

The raising of their wages to minimum wage is the least we can do. It was a matter that was

discussed thoroughly before the committee when this matter was before the standing committee on administration of justice and was passed by the committee unanimously.

What the minister is proposing now is that a delay be built into the system whereby the many thousands—I would warrant it to be in the dozens of thousands—of handicapped persons across this province who are employed in sheltered workshops will be deprived of the increase to minimum wage of their salaries for another three months. I suggest they have waited long enough.

The minister points out that perhaps 100 people may lose their jobs if this amendment is not passed at this time. Surely the answer to that problem is to fund them. If we are talking of only 100 people who are funded in sheltered workshops, the funding for those workshops coming from the government—and the government is completely in charge and control of this situation—why cannot the government simply make up the difference between what they are receiving by way of a wage and the minimum wage for the three-month interim period, if the shop does not have the funds to pay the money?

The total wage package for 100 people working 40 hours a week at minimum wage is \$192,000 for those three months. They are already receiving a wage of some kind. It surely is not as low as 36 cents, as my friend has indicated. If it is half the minimum wage, by rough calculation, the makeup amount would be less than \$100,000. When we understand that come March, when the problem will be resolved in any event, the ministry will be paying all the funding for these people because it funds these sheltered workshops, what is the great difficulty?

Rather than making the many thousands of handicapped persons wait for their minimum wage for the sake of 100 who may be in jeopardy, surely the more reasonable answer is to fund the 100 so that the 1,000 can start getting their just due January 1. For that reason, I have great difficulty supporting this amendment.

**Hon. Mr. Scott:** I would join with the House leader of the New Democratic Party in saluting the Advocacy Resource Centre for the Handicapped, David Baker and the executive of that organization on the work they have done in support of this amendment over many years and a number of other amendments that are found in this reform bill.

I hope it is not overly pompous to observe that the approach of the New Democratic Party is practical at least in the sense that while this great reform must take place, it would be wrong for it



to take place in a way that would injure a few handicapped workers who are now employed for even a short period of time.

I can barely stomach my friend the member for Oakville (Mr. O'Connor), whose government was responsible for this inequity for more than 10 years and did nothing, notwithstanding that the Advocacy Resource Centre for the Handicapped was down here once a month talking about it.

That government could not do it to interfere with the private sector; it could not do it even for the handicapped. To say unctuously now—

**Mr. Chairman:** Order. Perhaps the Attorney General would like to—that phrase “stomach” is insulting.

**Hon. Mr. Scott:** I withdraw “stomach,” but the members know how I feel about it.

**Mr. McClellan:** Is “stomach” now an parliamentary word? What about “hand”?

**Mr. Chairman:** It is insulting and likely to cause disorder.

**Hon. Mr. Scott:** I have no intention of insulting the member for Oakville, who, after all, was not here during that 10-year period and is only in a collateral way connected with the excesses of that regime.

**Mr. O'Connor:** As the Attorney General has pointed out, I was not here. I am telling him the position of our party right now. We want to get on with this. Can he explain in short terms why several thousands or perhaps dozens of thousands of handicapped persons have to wait three further months for their increase in pay at the expense of the possibility of perhaps 100 of them becoming unemployed? If that is the case, why cannot his ministry, the Ministry of Labour or the Ministry of Community and Social Services not simply fund the difference for those 100?

It is less than \$100,000. The Treasurer (Mr. Nixon) has 400 million extra dollars he did not expect to receive this year from general revenues. Surely less than \$100,000 for this very worthwhile project is warranted.

**Hon. Mr. Scott:** I have tried to answer that question. There is no legislative authority to make the payment the honourable member requests be made. It is that problem for which we desire time to find a solution.

There is legislative authority to bill to the minimum wage in certain youth programs, but the people with whom we are concerned are not all in that category. The minister's request is that the delay in proclamation of this section be allowed not to injure those who have suffered for so long but to ensure that no more will suffer as a

result of the Legislature's desire to make this important reform.

**Mr. O'Connor:** I am at a loss to understand the comment that there is no authority to fund it. These people are already being funded by the government. Is the Attorney General trying to tell us that if this amendment is defeated and the law comes into effect when the rest of the bill does, on January 1, there will be authority then to fund the extra amounts necessary to bring these programs up to the minimum wage standard? What if that occurs? Surely the authority is already there, the government is funding the program and all we have to do is add the money to it.

**16:20**

**Hon. Mr. Scott:** I have answered the question as best I can.

**Mr. Harris:** Very briefly, we understand the position the Attorney General is putting forward and that there could be a problem for a very small number of people. Our party acknowledges that there could be a problem if proclamation occurs when it will.

There are two ways to deal with it. One is to put off proclamation for a number of months and allow all those that are not being paid the minimum wage to have to bear that for a number of months. The alternative is the suggestion put forward by our party and bring it in right away. If there is a problem with 50 or 100 people, the government has billions of dollars more than it thought it would have a year ago. Surely for the sake of \$50,000, \$60,000 or \$70,000, possibly up to \$100,000, the inequity could be corrected right away.

The Attorney General wants to make it clear what his position is, and on behalf of our party I want to make it clear that we share his concern. We think there is a more equitable way to ensure that everybody gets the money on time, instead of having to wait the extra months. Our opposition is to the Attorney General's method of proceeding on this. We want it fully understood that we believe the government has other alternatives that would make everybody satisfied. Everybody would get the money immediately on proclamation.

**Mr. Chairman:** Do any other honourable members wish to participate in the debate on the two motions? If not, remember we are going to carry both motions.

Shall Mr. Scott's amendments adding clause 70(1)(ba) and subsection 70(2a) both carry?



All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motions agreed to.

**Hon. Mr. Scott:** The next amendment is to clause 70(1)(c).

**Mr. Chairman:** The 15 minutes is more than up.

**Hon. Mr. Scott:** I am sorry.

**Mr. McClellan:** Can we revert to the item we stood down?

**Mr. Chairman:** Section 70 is postponed, or at least we have not reached it yet. We are reverting to section 33. Ms. Gigantes's amendment that starts out "I move that section 33" adds a new subsection 51a for identification purposes.

**Ms. Gigantes:** I have moved the motion, I have spoken to the motion and I hope we have enough support in this Legislature to pass the motion.

**Mr. Chairman:** Does any other honourable member wish to participate in the debate on this section?

**Hon. Mr. Elston:** We stood down this amendment so the official opposition could speak to it. It seems passing strange that they now do not wish to speak to it. Are they going to speak to it?

Interjections.

**Hon. Mr. Elston:** They are not going to speak to it. I have to say that is an unusual situation since we specifically stood this down for them to put their position. It appears that these people have changed their minds, although they will not stand in this Legislature to indicate it. I was of the understanding not long ago that they would support the government position that this amendment not be passed; it now appears they have changed their minds and will vote in favour. I am very much concerned by that sort of change of position.

Apparently they would now like these people who are care providers to be restricted from providing the care they are required to give when someone is assigned to their care. They seem to like the idea that we are going to be putting these hospitals in a position of being jails instead of facilities for treatment.

I have other concerns as well, particularly with respect to situations where it now appears that for the involuntary patient the nearest relative can refuse the treatment as well, and I express my extreme concern about the change of the official opposition.

I am even more concerned when the members refuse to stand in the House and explain their position. As I understand it, this matter was fully debated in the legislative committee and it was defeated in the committee, which is why it is in front of this public forum here today and is moved again by the member for Ottawa Centre, as it is her proper right to do.

Here we again have the official opposition party changing its mind and being afraid, I guess, to express the reasons upon which it bases its decision and to explain to the public the reason it has made that change. I do not understand it. I do not profess to understand them anyway. I do have some concerns that they do not want to tell us why they are going to be supporting this amendment. I will not be supporting the amendment.

**Mr. Harris:** Had the Minister of Health been anywhere near the Legislature or listening when he was near the Legislature, our leader, the member for St. Andrew-St. Patrick (Mr. Grossman), has on a number of occasions raised his concern about shock treatment, particularly shock treatment on competent patients against their will without a proper process. We think there is a better way. My leader has spoken on this on a number of occasions.

I understand that if the minister insists and continues for the next year to do nothing, as he has done in the past year, it may cause a few problems for some psychiatrists in the province. We think there is a better way. We think that better way can be arrived at. We have allowed a year for the minister to work towards that, we have allowed a year for the profession to work towards that and our party has come to the opinion that they are not interested in correcting what we think is a problem and now, when this amendment carries, they will be forced to sit down and work out what should be a better way than is currently the practice.

**Mr. Reville:** The Clark report recommendation 26 is identical to the amendment moved by my friend the member for Ottawa Centre. It is true that the leader of the official opposition raised this matter in the House on November 19. I am not at all surprised to get support on this amendment from the Progressive Conservatives. They know that treatment against consent is, in law, battery unless it is statutorily allowed, and no one in our society should believe that a competent person should not be allowed to decide what kind of medical treatment he or she should have.

Motion agreed to.

**Hon. Mr. Elston:** I have an amendment to the section that was just carried.

**Mr. Chairman:** Do you have copies?

**Hon. Mr. Elston:** Under the circumstances, I have only this, which I will provide for you in a moment.

**Mr. Chairman:** Mr. Elston moves that the amended subsection 33(51a) of the bill be further amended to read as follows:

"Clause 35(4)(a) of the said act is repealed and the following substituted therefor:

"(a) the nearest relative of an involuntary patient refuses consent or an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and."

**Mr. McClellan:** I assume the minister is going to show the usual courtesy of sharing his amendment with the opposition parties. Normally, one does this on the basis of two hours' notice, prior to the start of the session. The minister has not done that. He has still not shared copies of the amendment he has just read with anybody, as far as we can tell.

**Hon. Mr. Elston:** I apologize to the honourable gentleman. This matter has just arisen as a result of a notable change in the position of the official opposition. I will try to run out, get it photocopied and make copies available.

**Mr. Chairman:** If the member for Bellwoods is making a point of order, that is not an appropriate point of order. The standing orders say, "where practicable," etc. While it is courtesy, it is not in the standing orders that copies must be supplied.

**Mr. McClellan:** I understand that, but we cannot proceed until copies are shared with the opposition parties.

**Mr. Chairman:** Let me move the motion and get the debate going. Then we will have copies run off.

**Ms. Gigantes:** How can we debate it when it is not in front of us?

**Mr. Chairman:** Fine. Shall we take a five-minute recess while we get them printed?

Agreed to.

The committee recessed at 4:32 p.m.

16:37

**The Deputy Chairman:** Order, please. Will you please take your seats?

Mr. Elston moves that section 33 of the bill, as reprinted by the Attorney General, be amended by adding thereto the following subsection:

"(51a) Clause 35(4)(a) of the said act is repealed and the following substituted therefor:

"(a) The nearest relative of an involuntary patient refuses consent or an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient."

**Ms. Gigantes:** I believe this amendment is out of order. The motion we just passed, which adds subsection 51a, says that in two cases there shall not be an appeal to the review board. In case 1, there is an involuntary, competent patient. That patient decides against a particular course of treatment. There shall be no review to the appeal board.

In case 2, in the motion we just passed, there is an involuntary, noncompetent patient. Under our substitute decision-making process, the nearest relative says, "No, a particular course of treatment shall not be followed," and makes a substitute decision. We have approved that and we have said that this substitute decision shall stand and that it shall not then be taken to the review board and appealed.

The motion before us now is to attempt to remove case 2 and to say that where the process of the law, inadequate as it is—we offered good amendments in committee on this matter. We offered the best we knew of, the most well-considered suggestions that have been made on substitute decision-making. The minister rejected them and we are left with an old system.

He can live with that system, which he insisted on. That system is our system right now. Where a substitute decision is being made by the nearest relative, our amendment just passed says that shall not be overturned by an appeal to the review board. The minister now is coming along and saying we did not pass that, that we are going to take that section out. It is out of order. It is in conflict with the intent of the motion we just passed. It should not be on the floor of this Legislature.

**Hon. Mr. Elston:** I think that the—I am sorry.

**The Deputy Chairman:** The member for Bellwoods. Are you speaking on a point of order?

**Mr. McClellan:** Yes.

**The Deputy Chairman:** Please go ahead.



**Mr. McClellan:** I just want to stress my agreement with the member for Ottawa Centre that the amendment is out of order. The correct procedure, as I understand it, would be for the minister to have moved an amendment to our amendment, but he did not do that and the House has passed the amendment of the member for Ottawa Centre to section 33. The way this amendment is drafted is quite clearly out of order.

**Hon. Mr. Elston:** I thought this thing did not even exist until that vote was carried. There would have been no need at all to think of amending it. It did not exist for the purposes of the legislation. This particular amendment does have relevance now that this amendment has passed. There was nothing there prior to that. There was no need even to consider amendment at that stage. I do not think we have passed the section in its entirety yet. It has not been closed off for discussion. I think we are able to discuss the content of a section until that section is fully accepted as amended.

**The Deputy Chairman:** I will be a few minutes while I consult about this.

16:48

**The Deputy Chairman:** Order, please. The amendment that was proposed by Ms. Gigantes was adopted. The proper procedure would be to ask the House for authorization to reopen the amendment in order for Mr. Elston to bring in a subamendment. We will then ask for a vote. Is there unanimous consent?

**Some hon. members:** No.

**Hon. Mr. Elston:** Since we do not have unanimous consent, of course I cannot have that section reopened. However, I will move the addition of clause (aa) to that particular item and will proceed with the wording that was added to Ms. Gigantes's earlier motion.

**The Deputy Chairman:** Hon. Mr. Elston moves that subsection 35(4) of the said act be further amended by adding thereto the following clause:

"(aa) The nearest relative of an involuntary patient refuses consent; or"

**Hon. Mr. Elston:** That immediately precedes clause 35(4)(a).

**Ms. Gigantes:** We are into the same problem again. While it is difficult to follow exactly what the minister is proposing to us in his scrambly kind of way, because we have not seen it in writing, what he is proposing is in conflict with the motion we just passed.

We had a motion that said X plus Y equals no review board appeal. The minister is now trying one way and then another way to take out Y. We have passed Y. We had said that in the case of Y, the nearest relative giving substitute consent, there shall be no appeal to the review board. The minister now comes and looks for another way to get rid of Y. We have passed Y. I do not care whether he likes it or not. This House has just passed Y.

**The Deputy Chairman:** Does the minister have any comments?

**Hon. Mr. Elston:** May I just have a moment, please?

**The Deputy Chairman:** Does the committee agree that we have a few moments?

Agreed to.

The committee recessed at 4:52 p.m.

16:58

**The Deputy Chairman:** Order, please. The committee pronounced itself on the subject matter. No further amendment can be brought to that subject matter.

**Hon. Mr. Elston:** I accept your ruling.

**The Deputy Chairman:** Therefore, I rule the amendment out of order.

**Hon. Mr. Elston:** I do accept your ruling. I have some concern about the problems that have been generated by the quick reversal on the part of the official opposition and I do apologize for—

Interjections.

**The Deputy Chairman:** Order.

**Hon. Mr. Elston:** I was about to apologize for taking up the extra time of the committee, because I do find that to be unfortunate. However, I wanted to indicate that my intention was not to delay the work on this bill. The delay was instigated by a massive reversal of position. I was then merely trying to deal with the question in a sensible, reasonable and understandable fashion from the standpoint of providing service to the patients of the province.

I will now take up the effect of this amendment with the profession and see what we can do to accommodate the needs of the patients in this province first and foremost.

**The Deputy Chairman:** Are there any further amendments to section 33?

Section 33, as amended, agreed to.

**Hon. Mr. Scott:** I have an amendment to clause 71(c).

**The Deputy Chairman:** Hon. Mr. Scott moves that clause 70(1)(c) of the bill be amended



by striking out "sections 58, 61, 65 and 67" in the second line and inserting in lieu thereof "subsection 58(1), section 61, subsections 65(2), (3), (4), (5) and (6) and section 67."

**Hon. Mr. Scott:** Perhaps I could explain. As members will know, one of the least significant reforms in the bill, but an important one, none the less, is to remove the designation "British subject" where it appears as a requirement for the performance of certain duties or roles.

It was determined by the committee that the drafters of the bill were right to give an extension of time in which persons who were enrolled as lawyers, for example, by virtue of their British citizenship and having passed the qualifying bar exams, would have an opportunity to become Canadian citizens without in the interim losing their right to practise, which would be the result if there were automatic proclamation.

That is what clause 71(c) is designed to do, to give an extension of time to those who will suffer in that sense because they need time to become Canadian citizens. We included in this section some inappropriate designations, and the effect of this amendment is simply to remove them.

**The Deputy Chairman:** Further questions or comments?

Motion agreed to.

**Hon. Mr. Scott:** The next one is the companion motion, which is subsection 70(4).

**The Deputy Chairman:** Hon. Mr. Scott moves that subsection 70(4) of the bill be amended by striking out sections 58, 61, 65 and 67 in the second line and inserting in lieu thereof, "subsection 58(1), section 61, subsections 65(2), (3), (4), (5) and (6) and section 67."

**Hon. Mr. Scott:** The effect is that this a necessary companion to the amendment just made.

**The Deputy Chairman:** Any further questions or comments?

Motion agreed to.

**Hon. Mr. Scott:** We have now come to the stage where the member for High Park-Swansea (Mr. Shymko) has a motion.

**Mr. O'Connor:** He is on his way. He has been summoned and will be here within a minute or two. Perhaps we could wait.

**The Deputy Chairman:** Does the committee agree that we should wait for a few minutes?

**Hon. Mr. Scott:** Mr. Chairman, we could use a moment or two. I am told that you asked whether we carried sections 1 to 69. We could get them out of the way.

**The Deputy Chairman:** The amendment that was brought by the member for High Park-Swansea includes a section—

**Hon. Mr. Scott:** Sections 1 to 17 and sections 19 to 69.

**The Deputy Chairman:** Shall those sections carry?

Sections 1 to 17, inclusive, agreed to.

Sections 19 to 69, inclusive, agreed to.

**Mr. Wildman:** Who served the summons on the member for High Park-Swansea?

**Mr. Shymko:** My apologies. I was in the committee of the whole House for an hour and a half or two. I have obligations in another standing committee. My apologies for coming late.

I would like to move the following motion. Mr. Chairman, I would like to have your instructions. I have three amendments. One refers to section 18 and would constitute subsections (17) and (18), which we left standing, since it would be affected by subsection 70(1) and subsection 70(6). Would it be possible to deal with the three motions?

**The Deputy Chairman:** Does the committee agree that we should deal with the three motions?

Agreed.

Mr. Shymko moves:

That section 18 of the bill be amended by adding thereto the following subsections:

"(17) Subsections 18(1), (2), (3), (4) and (5) are hereby referred forthwith after the bill receives royal assent of this subsection to a standing committee of the Legislature.

"(18) A standing committee of the Legislature, after giving the public a reasonable opportunity to make submissions at a public hearing, shall report to the Legislative Assembly concerning whether or not in its view subsections 18(1), (2), (3), (4) and (5) should be proclaimed in force."

That subsection 70(1) of the bill be amended by adding thereto the following clause:

"(ba) Subsections 18(1), (2), (3), (4) and (5)."

That the bill be amended by adding thereto the following subsection:

"(6) Subsections 18(1), (2), (3), (4) and (5) come into force on a day to be named by proclamation of the Lieutenant Governor, but they shall not be so proclaimed into force until after the Legislative Assembly receives and adopts a report of a committee of the Legislature approving their implementation."

**Mr. Shymko:** I would like to comment as briefly as I can. Mr. Chairman, you are more versed with the procedure of this House than

anyone else, so I do not have to remind you or some of my distinguished colleagues who have been here for quite some time that where public input and discussion are deemed appropriate, government bills may go to committee for clause-by-clause consideration after second reading. That has been the procedure all the time. That is why after first and second reading, Bill 7 was sent to committee, specifically to the standing committee on administration of justice. As lawmakers, we felt there was a need for public input and discussion, that it was appropriate for the passage of Bill 7.

#### 17:10

We have made such decisions on a number of bills. The appropriateness of public input and discussion necessitated the appearance of delegations and deputations, scheduled public hearings and at times travelling throughout the province to hear the views of the public on various issues such as the environment, health and education. Normally, clause-by-clause consideration of a bill by a standing or select committee occurs after scheduled public hearings have occurred or deputations have been received. The bill is then normally reported back to the House for third reading if there is unanimous agreement or for consideration by committee of the whole House as we are doing now.

Let me refer to some major pieces of legislation for which we deemed it appropriate to have public input and discussion, as we deemed it appropriate for Bill 7. When the Attorney General (Mr. Scott) presented Bill 7 for first reading and when we heard it for second reading, there was no reference whatsoever to subsections 18(1) to (5), currently before us.

Normally, any public deputation or witness who appears before a committee has read the bill and has seen something in the bill that triggers a reaction. In the course of debate, it is normally a section printed in the bill that upsets people, something that may not be appropriate and that needs some amendment. This is why we had deputations dealing with adults-only buildings, deputations on the question of those aged 16 and 17 and some of the discriminatory aspects of the bill and deputations dealing with the handicapped. It was because there were references to these issues in the printed bill.

In clause-by-clause deliberation, some deputations came because they were lobbying for insertion of another clause. I do not want to use the word, but these witnesses who appeared may or may not have been orchestrated. The member for Ottawa Centre (Ms. Gigantes), who intro-

duced the amendments, subsections 18(1) to (5), may have expressed her concerns after the printing of the bill to a number of people and may have asked for some lobbying efforts before the committee, intending to introduce an amendment at some stage of clause-by-clause deliberation. This is why there was some misunderstanding when I spoke about the lack of public hearings and why there was some violent reaction from my colleagues to the left who said: "Oh, no, Mr. Chairman. We had deputations. We had witnesses who appeared before the committee."

No doubt some were there because they were notified of the possibility of an amendment being brought in and, I am sure, appeared as advocates of the introduction of an amendment. The normal reaction of the vast majority of people is to take a printed bill, of which they all have copies, and if they do not see references to a certain section, they do not appear. We can have a clever game of semantics. We can do our little act about, "Yes, there were full public public hearings." We can do a little game-playing here. But as you know, Mr. Chairman, a vacuum was indeed created.

The process we would normally have followed as responsible legislators on an important issue was circumvented. If someone tells me that section 18 and the question it deals with are insignificant and totally irrelevant and that public input and discussion are not appropriate, he must be out of his mind.

I am sure the Attorney General, had he intended to have this issue raised, would have printed that particular reference to sexual orientation on first reading; or he might have made some amendments and introduced them, at the last minute, on second reading. I know we are capable of reprinting bills. But he did not deem it necessary, or he might not have had any intention at the time of introducing that specific reference to sexual orientation. This is what I refer to as a clever, manipulative circumventing of the normal process of the passage of law as I understand it and as most people understand it.

I have been asked to write an article in my local paper, the Bloor West Villager, a very prominent local paper, for which I have a great deal of admiration.

**An hon. member:** We all subscribe to that.

**Mr. Wildman:** A periodical all of us read.

**Mr. Shymko:** We all subscribe. Members can find it in the legislative library. I am honoured that my views on Bill 7 will be parallel to those of the leader of the third party. The topic of my one and a half double-spaced pages of views is that the passage of the gay rights amendment



tramples on the democratic rights of all Ontarians, who did not have the opportunity, as we had on other bills, to have public input.

I would remind you, Mr. Chairman, that when we presented Bill 30, the Education Amendment Act, the population of Ontario knew very well our stand on the completion of Catholic school funding. They knew all three parties would be for it; they knew there was no division, except for perhaps two or three or five members; they knew where we stood politically. Yet we had full public hearings on Bill 30, the amendment to the Education Act, knowing full well the political position and stand taken by all three leaders, by all three caucuses, whose majority support had pretty well decided that funding would be completed. However, that did not prevent us from allowing full public hearings.

Having voted on subsections 18(1) to (5), we know very well the divisions, we know the numbers. Twelve of us were absent, one of those being myself. I do not know what the reasons were for some honourable members to be absent, but as I told you, Mr. Chairman, I decided to boycott that particular vote because I had no opportunity to consult my own electors. As far as I am concerned, "Vox populi, vox dei," as the Latin saying goes: The voice of the people is a divine voice. We constantly refer to this, usually after an election, when a particular party or combination of parties effects certain changes in the seating arrangement in this chamber.

We say this is the voice of the people, and it is the voice of the people that counts. We speak of the democratic process, and this is why. We did have full public hearings for almost a year and a half on Bill 30, on the amendment to the Education Act, knowing full well it would go through. We know that if the 12 members had been present here, subsections 18(1) to (5) would have passed. Unless something happens at the committee stage of hearings where we have a major switch of opinions, which is possible, it will pass.

I cannot understand why the Attorney General (Mr. Scott), the Premier (Mr. Peterson) in his wisdom, the leader of the third party and the mover of the amendment to subsections 18(1) to 18(5) have reservations about allowing for two or three months of public hearings.

We have seen in section 70 that some subsections will not be proclaimed and will not come into force for a number of reasons. The Attorney General introduced today the issue of handicapped persons and the impact one subsection will have on the Employment Standards Act.

He has asked us to support him. It is only on March 1, 1987, that the proclamation and the coming into force of that issue will be effected. We have exempted section 14 from being proclaimed and coming into force until March 1, 1987.

Why not exempt subsections 18(1) to (5) from coming into force until April or May 1987? Will there be a cataclysmic tragedy in this province because we listen to the people and follow a democratic process, a democracy, which is fundamental in the name of the third party? It is the New Democratic Party.

#### 17:20

I have spoken to the rank-and-file membership of the NDP. They are seriously concerned that there are no public hearings. It makes a great deal of sense to them, if we are postponing the proclamation of section 14 dealing with the handicapped and if we are postponing, for example, subsections 12(2), 12(3), 12(4) and 12(5) from coming into effect until July 1988. These are references to the public school electors having an impact on the Education Act. We are saying: "Let us wait. Let us give an exception to those sections until July 1988."

We have no hesitancy. We do not hesitate to exempt subsections 25(2), (3), (4) and (5), subsections 37(2) and (3) and sections 58, 61, 65 and 67 from being proclaimed and coming into force until July 1989, two years from now. We have no reservations.

This deals with the whole question of citizenship and the reference to "British subject," which affects the following acts: the Law Society Act, the Municipal Act, the Public Officers Act, the Railways Act, the Statute Labour Act, the Surveyors Act and a number of acts in which it has been deemed important to wait for almost two years.

My request is very reasonable. The precedent has been set in the past, and I referred to Bill 30, the Education Amendment Act. I can also refer to Bill 51, the Residential Rent Regulation Act, which went through full public hearings. I can refer to Bill 54, the Ontario Drug Benefit Act. Bill 55, the Prescription Drug Cost Regulation Act, followed the same process. With the famous Bill 94, the Health Care Accessibility Act, there were full public hearings, fair and square. We listened. We were not circumventing. We were not playing some kind of a clever game to prevent the public from presenting their views, whatever views on whatever side of the issue of sexual orientation they may be. This is not all.



Let me read the Assessment Amendment Act. What priority does the minister see in Bill 131, the Assessment Amendment Act? Has anybody read Bill 131? We do not even know what Bill 131 is all about. That is how minor the significance of that bill, but it went to the standing committee on general government, which allowed for public input.

The minister remembers Bill 75, the Education Amendment Act; it was the same thing. The Freedom of Information and Protection of Privacy Act is still at the committee stage. It was considered in May, June and July and continues to allow for public input. I refer to another bill that has been deemed important for public delegations and public consultation, Bill 64, the Labour Relations Amendment Act, which was referred to the standing committee on resources development and received royal assent on May 26, 1986. I refer to Bill 116, the Loan and Trust Corporations Act, introduced by the minister who is sitting here today listening carefully to my remarks.

I am sure that in his heart and mind and soul he is agreeing with what I am saying. His bill went to the standing committee on finance and economic affairs. He would not have dared have his bill circumvent public hearings. He would not have followed the example of the Attorney General, because he is much too smart, much too sensitive and has too much respect for the democratic process. I give credit to the Minister of Education (Mr. Conway) and to the various ministers who introduced the bills I have referred to for their respect for the parliamentary process of full public hearings.

They had nothing to hide. They knew full well that, following the democratic process, the bills would be passed. However, even if we know that hearings will have no impact on changing the minister's mind, even if there are preconceived notions and policies, and whatever arrangements may have been made between the two parties that have formed this unholy alliance for the past year and a half so that they know full well certain bills will pass, one still does not circumvent the democratic process.

Let me continue. I could go on and on referring to this process. I intended at first to introduce an amendment or motion on third reading. I still have that option, but there is a problem with introducing an amendment on third reading. I was given the misinformation that third reading allowed for a partial recommitment of a section of a bill to a committee of the Legislature without impacting on the rest of the bill, so that an entire

bill could be proclaimed except for a particular section. According to the Clerk, in his wisdom, I understand that if I were to introduce a motion for full public hearings on third reading, we would have to suspend the entire bill for two or three months.

It is not my intention to suspend the entire bill if in the wisdom of the members of this Legislature, we allow for what we are doing to a number of sections. They may not be as divisive and emotional. This is why the Attorney General has no problem about proclamation of section 14 being deferred until March 1, 1987. Perhaps the question of a British subject versus Canadian citizen is not an emotional problem and we can hold off the proclamation and coming into force of that until July 1989. However, this is specifically the reason: If something is divisive and emotional you do not avoid it; you face it and allow for public hearings.

There is the sheer hypocrisy of the sanctimonious, pretentious statements I hear about consulting the people, about the party that represents the working class, about the party that would never dare to circumvent, about the party that passes resolutions on various moral issues and has a stand.

**Mr. McClellan:** How did you vote?

**Mr. Shymko:** I will tell the member right now how I will vote.

**Mr. Breaugh:** When you had the chance, what did you do?

**The Deputy Chairman:** Order.

**17:30**

**Mr. Shymko:** We will be voting on this bill, but unless the government allows for the public democratic process, which we have allowed for in other bills on which we have deemed that public input and discussion were not only appropriate but also necessary, if it does not follow the same procedure with Bill 7, it pains me, but I, along with many members, will not vote for Bill 7.

I will not be trapped. I will not become a partner to a mockery of the democratic process and to the clever game-playing that two parties are involved in. As I have pointed out, and I repeat this time and time again, if certain members of this Legislature and certain parties see the issue as being only a human rights issue—

**Mr. McClellan:** Like your leader.

**Mr. Shymko:** Including my leader.

**The Deputy Chairman:** Order, please.

**Mr. Shymko:** We have a free vote in our caucus. We do not put on marching boots and

follow the dictates of others. We do not walk around in marching boots. We have a free vote, and I know some of the honourable colleagues of the members opposite were absent as well.

Interjections.

**The Deputy Chairman:** Order.

**Mr. Shymko:** Why, for example, was the member for Lake Nipigon (Mr. Pouliot) absent? Have you questioned your member?

**The Deputy Chairman:** Order. Please address the chair.

**Mr. Shymko:** Anyway, I will not be tempted to react to the heckling of the third party.

**Hon. Mr. Kerrio:** The camera just showed the back of your head.

**Mr. Shymko:** Absolutely. You may see my bald spot or something. I will have to face the camera.

No, I am not doing this for cameras, as my honourable colleagues know very well, but for the very principle of democracy.

Perhaps some honourable colleagues believe this is a human rights issue only and not a moral issue. To me, it is a moral and a human rights issue; it is both.

Ironically, it is December 10 today, the United Nations Universal Declaration of Human Rights. So many of my colleagues have risen today in the House and have spoken in very eloquent ways about the importance of human rights. Let me remind our honourable colleagues that those jurisdictions where human rights are trampled on do not have the support, the respect and the protection that we have. Very often in those jurisdictions there is a trampling on or a circumvention of the democratic process.

Democracy is also a right. Unfortunately, today democracy is becoming a privilege, since the vast majority of humanity does not live in regimes and systems where democracy prevails—an increasing majority, as we watch in the last decades the number of states that succumb to a different system.

Thus, I say again, as my House leader signals to me that I should be wrapping up my comments, that the government cannot implement human rights if it tramples on democratic rights. It cannot present itself as the champion of human rights if at the same time it tramples on democratic rights, on the right of people to be heard, the same people who elected them to this great chamber, this Legislative Assembly, and for whom they have the greatest respect prior to an election and immediately after an election.

I remind the members opposite that there will be an election in the future, whether it will be in the spring of 1987 or in the fall of 1987, and it will boomerang on them. I will tell them why it will boomerang. This will be under the surface, not because of the stand they have taken one way or the other on section 18, but because of the decision they have made and are going to make in the next minute or two with reference to my motion, a decision to circumvent democracy and to trample on the democratic rights of our citizens by not allowing full public hearings—a question of two months, three months at the maximum, the end of March, beginning of April.

Why is the government so afraid of public hearings? For the life of me, I cannot understand why it fears two to three months of public hearings. Why is it afraid to give exemption for the proclamation of one section, which the minister knows will pass anyway, to allow for a few months of public hearings? Why this fear?

I have tried to understand it and I cannot. It is absurd. I repeat to the members that implementing human rights by trampling on democratic rights destroys both, makes a farce of both, and jeopardizes both human rights and democratic rights.

**Mr. Mancini:** That is not the Yuri Shymko I know.

**Mr. Shymko:** That is the Yuri Shymko the member knows, and that is the guy he will continue to know in the future. It is a matter of very important principle to me.

In conclusion, now that my House leader has signalled for the second or third time that I should wrap up, I hope the government, in its wisdom and in its sense of what is defined as responsible public servants, as responsible representatives of the people—as the member for Oakwood (Mr. Grande) has said, *voce di popole* is the most important principle he follows in his riding. *Voce di popole*; “the voice of the people” in Italian.

I appeal to the government to reconsider my humble request, which will bail out both the Liberal Party and the New Democratic Party from an issue that I say sincerely will affect the members dramatically. That is my own humble assessment.

The government has done a relatively good job so far, but it is making a terrible mistake by not allowing for two or three months of public hearings, by exempting the proclamation of section 18, as the minister has done for a number of sections, by not allowing some subsections to come into force until July 1989.



**Mr. Harris:** I will be brief. I want to say a few words on behalf of not only myself but also a large number of my colleagues in my caucus who had difficulty with the process this bill followed, who voted against the inclusion of subsections 18(1), (2), (3), (4) and (5) last week. They all expressed concerns, with reference to the motion put forward by my colleague the member for High Park-Swansea, in addition to other concerns they may have had, all of them expressed this concern, that public hearings on this bill were not held to the extent they might have been held.

They believe that interpretation of the words "sexual orientation" was being done very differently by many proponents and opponents of the amendment and that getting full and open hearings on this could have helped to clarify what exactly is meant by the term "sexual orientation," how far it goes and what it covers.

They also were uncertain about services, whether it is government services or all services. They expressed some very thoughtful and legitimate concerns about Boy Scouts, Girl Guides, Big Brothers and Big Sisters and about adoption. Even proponents were giving different answers in many of these areas. Some said it did cover certain areas, some said it did not and some said it could not under any circumstances.

17:40

We have read many articles in which many proponents of the amendments feel that, if this section carries the way it is, it will entitle them to challenge the Charter of Rights and Freedoms legitimately in the areas in which they expressed these concerns. My colleagues felt that by having hearings that were advertised and that everyone knew about, we could have cleared up many of these items.

We have an opportunity now, with the amendment put forward by the member for High Park-Swansea, to correct what many of my colleagues feel was not the right way to proceed, particularly on the significant amendment of subsections 18(1) through (5).

The Attorney General indicated in his remarks to the section that these were essential to comply with the charter. We know that is not true; otherwise, they would have been in the original bill. I believe the government and the Attorney General proceeded in the way they did to try to circumvent some public input on it.

I think the member for Ottawa Centre (Ms. Gigantes) and the New Democratic Party, under the legislative process that was available to them, used the only method they had to introduce these

amendments and to proceed with them, which was at the committee stage. They found a bill to which they could raise an issue. Not being the government, they were not in a position to bring forward a bill, and they had to find the first opportunity, since the only vehicle for an opposition party is to find a bill to which it can attach amendments according to a principle it has espoused and believes in very strongly.

I want to make clear that I do not associate my remarks about circumventing the process with the New Democratic Party. They did what they had to do to bring an issue forward through the only vehicle and mechanism they had. But I do criticize the government party, because they had a more honest mechanism available to them, which was to include the sexual orientation amendment in the bill from the beginning so that when the bill went to committee, it could have received the broad hearings that I think it was entitled to receive.

Those are some of the concerns that members of my party have had with the section. With the amendment put forward by my colleague, we have an opportunity to correct this problem—in a very unusual fashion, I might add, because it will permit all the rest of the sections of the bill to go forward and to be proclaimed, save and except this one contentious section, which I and a very large number of my colleagues submit was presented in such a fashion as to circumvent full public hearings and full public access, which I believe could have cleared up a number of the uncertainties that are there.

Therefore, on behalf of our party, I ask all members of the House to support this amendment. It will correct something that should not have happened in the first place. It will allow full public hearings. It will allow an opportunity to clear up what appear to be a number of misunderstandings. I think that not to support it would be not to act as responsible legislators at this time.

I call on members of this House to support the Conservative Party in this amendment and to change what I understand are the minds of members in the other two parties who are leaning towards, or were leaning before I spoke, towards not supporting this.

**Ms. Gigantes:** I will speak very briefly. Actually, I am pleased to have this opportunity to speak. When the member for High Park-Swansea spoke in our committee discussion during the regular consideration of subsections 18(1) to (5), he made several erroneous statements about the nature of the process that had been followed in



consideration of Bill 7. I, for one, feel an enormous sense of relief that it looks as if we may actually complete our work on Bill 7. I point out to the member for High Park-Swansea that work on this bill for the justice committee began in January 1986 and will be completed in December 1986. The work included three months of public hearings.

I find it strange that members of the Conservative Party, who, after all, were well represented on the justice committee, are now running around crying out that the democratic process was not followed and that people were not informed about the nature of amendments coming before the committee, although those amendments and in particular the amendments I put forward concerning sexual orientation, were circulated to all members of the justice committee in the early days of February 1986. We then had hearings over the course of three months with many presentations, with most in favour, but with a couple against those amendments.

That members of that very justice committee now should be willing to support the notion that there were no public hearings and that people were not informed about the nature of amendments coming before the committee is nonsense. They had three months to do what I was unable to do, in spite of all my best efforts, which was to write to every person in Ontario to let them know the nature of the amendments I was putting forward on the subject of sexual orientation as affected by the Human Rights Code.

They were derelict in their duty. I do not know what they were doing with their time. If they felt this was an issue of such moment, why were they not speaking, as I was, to let everybody know about the issue? I put out press releases. I talked to the press. I talked to everybody I could find who was interested. Why were they not doing that? Now they want us to go back, when we have already worked for 10 months and into 11 months, almost for 12 months, on this bill, and have more public hearings.

The chairman of our committee, a Conservative chairman, sits here and listens to a member of his caucus say we did not have full public hearings. He should rise up in rage or he should bow down in shame that he did not do his political duty and let people know how concerned he was on this issue. What was he doing?

Fortunately, the people of Ontario are well aware—

**Mr. Brandt:** On a point of privilege, Mr. Chairman: The member has named me with respect to my responsibilities and duties as

chairman of the standing committee on administration of justice. I would like to join in enlightening the member as to the full flow of business that came before that committee by associating myself entirely with the remarks of my colleague the member for High Park-Swansea with respect to what he said happened during the course of the so-called hearings.

I want to point out to the member for Ottawa Centre that, in fact—and I say this only by way of indicating what really transpired during the process of the so-called hearings that occurred with the justice committee—there were no hearings on the amendments the member is speaking to now with respect to Bill 7. The hearings were on other matters entirely and dealt with such matters as adults-only apartment buildings. There was no advertising whatsoever relative to these amendments, which were brought in very late. They were very contentious and there was no opportunity for hearings because of the manner in which the third party raised the whole issue, the manner in which they brought in the amendments—

**The Deputy Chairman:** I have to bring you to order.

**Mr. Brandt:** May I conclude?

**The Deputy Chairman:** For 30 seconds.

17:50

**Mr. Brandt:** I will conclude quickly by saying that I want to associate myself with the remarks of my colleague, who has pointed out very specifically that this cuts across the grain of the entire democratic process and the democratic rights of people who wanted to have their views heard on this issue.

**Ms. Gigantes:** I can only conclude from the remarks of the chairman of the justice committee that he did not read the amendments I so carefully circulated in the early days of February, which were circulated to members of the justice committee in advance of those dealing with the question of adults-only apartment buildings. We did not have special hearings on adults-only apartment buildings.

**The Deputy Chairman:** Order. Your debate must be on the amendment, on the motion presented by the member for High Park-Swansea.

**Ms. Gigantes:** I am addressing myself to the motion. The motion is a challenge to the process we have been through. I am addressing myself to the substance of that motion by giving my view of the process.

**The Deputy Chairman:** Continue.

**Ms. Gigantes:** I think you will find my view borne out by Hansard, by the record of the committee hearings. We did not hold special hearings on any particular clause of Bill 7; we held three months of hearings on Bill 7, on the amendments that were being circulated. Any member was free to notify whomever in the public by special appeal that it would be useful to have submissions on any particular subject.

The process was one that I think has produced a happy result. There are people in this Legislature and indeed there are people in this province who are not happy with the result. In speaking to subsections 18(1) to (5), the Attorney General said that they did not deprive anybody of any right. That is not quite true because they do deprive some people who wish to discriminate against homosexuals of that right.

I will not support the motion. I find the description of the process to be very strange. I think anybody who looks at the public record of the justice committee, as recorded in Hansard, will find that my view of the matter is borne out by the public record.

**The Deputy Chairman:** Mr. Shymko has moved amendments to sections 18 and 70.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Hon. Mr. Scott:** Mr. Chairman, the next item is to pass sections 18, 70 and 71.

Section 18, as amended, agreed to.

Section 70, as amended, agreed to.

Section 71 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Nixon, the committee of the whole House reported one bill with certain amendments.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Nixon:** Mr. Speaker, before you recognize that it is six of the clock, I should inform the House that, according to the business statement made last Thursday, we will be debating the conflict-of-interest reports that are in Orders and Notices in various order numbers tomorrow.

The House adjourned at 5:56 p.m.

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No. 79

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Thursday, December 11, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 11, 1986

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### PROMOTION OF CANADIAN FOOD PRODUCTS

Mr. G. I. Miller moved resolution 70:

That, in the opinion of this House, the Ontario government further encourage the use of Canadian-grown and Canadian-processed food products by all ministries, government agencies and provincially funded institutions.

**The Acting Speaker (Mr. Morin):** The honourable member has up to 20 minutes for his presentation and he may reserve any portion of it for the windup.

**Mr. G. I. Miller:** It is a pleasure on a Thursday morning before Christmas to have the opportunity of debating this resolution, which I feel very strongly will support the agricultural industry in Ontario. It should help to strengthen it.

In opening, I might indicate that the apples we have put on the desks this morning are Empire apples. These are new apples that have been developed over the past years at Guelph. I believe they are named after the state of New York. They were grown at Vittoria, just east of Simcoe, which I feel is the Garden of Eden of Ontario. They were grown on the farm of Tom Haskett and his family. They were given to all members before Christmas as a reminder of the good things we grow in Ontario.

I rise today in favour of the resolution, which I believe is of great importance to everyone in this House, in this province and in Canada.

Every person on this earth needs three things to survive: air to breathe, water to drink and food for nourishment. I do not know whom you want to thank for the air or the water, but I feel compelled to thank the farmer for our food. We can show our gratitude to the farmers of Ontario, Quebec, Alberta, Saskatchewan and all provinces of Canada. As true Canadians, we cannot just zero in only on Ontario and its food production. We have to think of Canada as a whole. Under the leadership of our new government, the

Premier (Mr. Peterson) has made it very clear that we want a united Canada. Therefore, when we speak of food products, we speak on the broad base of Canada as a whole.

The purpose behind this resolution is that Canadian farmers deserve our support. They deserve the chance to compete and they deserve the chance to prosper as other segments of our society have prospered, but most of all they deserve to have a fighting chance to survive. I do not have to tell the members of this House about the many problems facing farmers in this country; many of us are farmers ourselves. The men and women who produce our food have been forced to watch helplessly as the bottom drops out of their income, their equity and their confidence.

The government, or more specifically the Ontario Ministry of Agriculture and Food, is doing its part to give the farmers of this province a fighting chance, but that is not enough. This resolution is not asking the government to put more money into its agricultural budget. This resolution is asking that we, as individual elected members of this Legislature, do what we can to put more money into our farmers' pockets.

Nine years ago the Ministry of Agriculture and Food developed a consumer marketing program designed to achieve maximum penetration of the Ontario market by Ontario-produced fresh and processed agricultural food products. This program was developed to counteract the falling market share of Ontario foods, the increase in imports and the constant surplus stock situation at the end of the crop year.

Ontario is the largest producer of agricultural foods in Canada and our farmers account for almost 30 per cent of Canadian agricultural food production. This province's food and beverage industry is valued at \$14 billion a year. The Foodland Ontario program has proved to be a successful vehicle for expanding public awareness of Ontario's food products.

A survey taken last year shows that two thirds of all grocery shoppers are aware of the advertising of Ontario food products, 83 per cent of grocery shoppers recognize the Foodland Ontario symbol and 80 per cent of consumers

consider the Foodland Ontario program a worthwhile effort.

On July 31, 1986, the Minister of Agriculture and Food (Mr. Riddell) unveiled a \$1.7-million advertising program designed to accentuate the great taste of Ontario's fruits and vegetables. The essence of this campaign is captured by the new slogan, "Ontario, there's no taste like home."

Our new slogan rings true. The taste of our fresh and processed products is unsurpassed. As the minister indicated, our peaches are juicier and sweeter-tasting than imports, our apples are unsurpassed for eating enjoyment and our tomatoes are rich with sweet and good tomato taste. Together with an increase of \$1 million in the budget for other nonadvertising activities of Foodland Ontario announced today, this campaign represents an important new thrust in the marketing of fresh and processed Ontario products.

This resolution will be supportive of that and is an extension to that. The minister said it best when he said, "We want to use as many tools as possible to increase the consumption in this province of Ontario-produced fresh and processed products."

The federal government is doing its part to increase the awareness of and the use of Canadian food products as well. A think Canadian campaign for the retail food sector began in October in 4,000 supermarkets across the country. This campaign is designed to encourage Canadian food shoppers to buy Canadian food products. It is the kind of co-operation between governments that I believe is essential if we are to continue to help farmers help themselves.

#### 10:10

The question we all must ask ourselves is, how do we further encourage the increased use of Canadian food products by Ontario consumers? I think there are many advantages, both to the farmer and to the consumer. In 1985, this province purchased \$2.9 billion worth of food products from other countries, and in that same year Ontario exported \$1.8-billion worth of food products. That is a deficit of \$1.1 billion. That is an area I would like to see our farmers compete in, to reduce that deficit and put themselves in a positive exporting position. I feel that can be achieved with proper co-operation between the ministers of agriculture at the provincial and federal levels.

I think it is a crime that in the same year Ontario exported \$1.8-billion worth of food products and in a province that produces \$5

billion worth of food products every year, we find ourselves with a \$1 billion trade deficit. This deficit amounts to more than \$3,000 for every person living on a farm in Ontario. It is easy to see how buying the foods produced here can translate into enormous benefits for the farmers who grow here.

In 1985, Ontario imported \$24 million worth of apples; 53 per cent of those apples entered the province during our domestic growing season. In 1985, we imported \$15 million worth of strawberries, 26 per cent of those during our growing season. We imported almost \$8 million worth of peaches; more than \$1 million worth of those peaches came to Ontario during our growing season.

The story is much the same when we look at vegetable imports during the 1985 growing season: \$2 million worth of asparagus; \$6 million worth of lettuce; \$4 million worth of potatoes; \$3 million worth of carrots; \$12 million worth of onions; almost \$4 million worth of tomatoes; and well over \$1 million worth of cabbage. These products were imported into Ontario during their respective growing seasons. That is when our products are at their prime and when we should be given the opportunity of taking advantage of these markets. Again, we have to stress that quality is important. We should be stressing markets so that we have access to those markets. Again, I hope this resolution can put on some emphasis and get some results as far as bringing the farmer and the end user together is concerned.

The examples I have just mentioned total almost \$50 million. That money is going somewhere other than into the pockets of the farmers of Ontario. As members of this Legislature, we must not allow ourselves to be satisfied with the situation as it now stands. It has been estimated that the consumers of Ontario spend about \$200 million a week on food. If we could increase the amount they spend on Canadian food products by even one per cent, it would mean another \$2 million a week back into the farm economy.

Here is an indication of how important a role the farmer plays. If he can get the dollars, it means money for people in urban communities. Farmers buy products. They need farm equipment and all the essentials of life that city folks do. If they have the money, they will certainly make it go around to help the economy overall.

The purpose of this resolution is to encourage the government to increase our use of Canadian food products. It is our obligation to take the lead



in this effort. The government of Ontario is in a position to help farmers help themselves. Every ministry, every government agency, every publicly funded institution must be encouraged to make Canadian food products a priority in their dining rooms, in their cafeterias and at every event where food is being served.

The dining room here at Queen's Park would be a fine example of using Canadian products, and it would be a step forward to specialize when our fresh vegetables are in season. Our asparagus is one of the first vegetables that comes on the market. I know the Treasurer (Mr. Nixon) has brought in asparagus himself for the dining room so we could have that special taste fresh from the field.

That should be done automatically. The Minister of Agriculture and Food has requirements to develop marketing, and I know he would be willing to co-operate with the dining room. When they come on stream, there is nothing better than our Ontario fresh-grown strawberries. They should be made available. We also have our beef products, which play an important role and could be focused on. Our pork, our chickens, and our fish from the Great Lakes could be utilized on special occasions.

I bring to the attention of all members of this Legislature, representing every part of Ontario, that every consumer in Ontario is represented here in the Legislature. We should play a very important role in promoting our own farm products and our agricultural industry. The farmers of this province deserve no less. Each and every one of us must keep in mind that every dollar spent on Canadian products is another dollar in a Canadian farmer's pocket. I am positive that if every government function involving food served nothing but Canadian food products, it would prove to be a giant step on the road back for Canadian farmers.

I am personally going to write to every minister urging further consideration of this matter and I ask every member in this House to give serious thought to doing the same. As a government, we have done a great deal to help the farmers of this province. At the same time, we must be constantly on the lookout for ways in which, as members of this provincial parliament, we can further help our farmers.

I do not think for a moment that by adopting the sentiments contained in this resolution we are going to turn the farm economy around. I am sure we will not. This resolution does not ask for much. It asks us to remember the farmer when we buy our food; it asks us to give our farmers a

reasonable chance. In short, it asks us to do what we can do and nothing else. I believe that with the support of all members of this Legislature it could be a very important resolution.

I hope all sides, all parties, all members support it, so that we can encourage and strengthen our farm industry and reduce our deficit of \$1.1 billion of imported food products and we can be, if the quality is right, an exporting province rather than an importing one. It will be interesting to see, as we go on year after year, what progress we are making. We should set a goal, a benchmark—it could be the benchmark that we have today, the \$1.1-billion deficit—to see if we cannot reduce the deficit and become an exporting province. I think that can be achieved.

Quality is the important thing. The new technology to provide storage facilities is important because the consumer wants quality. We cannot emphasize too much that we all want quality, and I think working together it can be achieved.

I would like to reserve the remainder of my time to wrap up after the debate is completed.

**Mr. Sheppard:** It is a pleasure for me to be addressing the House today on the resolution proposed by the member for Haldimand-Norfolk (Mr. G. I. Miller). I appreciate the apple the member has delivered to each member in the House today. I might mention that we have good apples in the great riding of Northumberland, as well as peas and corn. We have more than 100 growers who grow peas and corn in the great riding of Northumberland.

**10:20**

The member proposed that the Ontario government further encourage the use of Canadian-grown and Canadian-processed food products by all ministries, government agencies and provincially funded institutions. This is a realistic resolution and, quite frankly, I am surprised it was not proposed earlier. Promoting and using Canadian-grown and Canadian-processed food should come naturally to all of us here.

It is important, however, that the resolution not be limited to government agencies and institutions. It should encompass further promotion of Canadian-grown and Canadian-processed foods all across Ontario. We are all aware of the promotion program, Foodland Ontario. The program's general mandate or objective is to stress to the consumer the nutritional value and variety of Ontario foods and the economic benefits both to the consumer and the province as a whole. Basically, the program is to help increase purchase by Ontario consumers of

Ontario-produced fresh and processed agricultural products. Further, the program provides information to the consumer on food purchasing, preparation and storage, which will enable him or her to obtain the best value in Ontario foods.

Since the inception of this program in 1977, studies have indicated high awareness of the symbol as an identifier of Ontario food products. The recall of the slogan, "Good things grow in Ontario," is also extremely high, about 90 per cent. We can therefore conclude from these studies that the consumer is more aware of the wide variety of food products grown in Ontario. The potential domestic market in this province is tremendous. Foodland Ontario was able to take advantage of that potential by expanding domestic markets and educating the consumer about the benefits of buying Ontario-grown products.

Unfortunately, however, the Foodland Ontario symbol and the slogan, "Good things grow in Ontario," have basically been associated with fresh fruits, vegetables, dairy products and meats. The Foodland Ontario symbol has little influence on choices among canned and packaged products such as canned apple juice, tomatoes and peaches and packaged meats such as bacon. In the case of both packaged and canned products, it appears that brand names continue to overshadow the consideration of buying domestically. This is definitely an area that needs further consideration by the government to fulfil this resolution to its maximum potential.

Another important aspect of the Foodland Ontario program is the various trade missions that assist Ontario in expanding its export market of agricultural and food products. Ontario's international trade missions have been very successful in the past, not only to the United States and the United Kingdom, but to other countries and regions such as Japan, Europe and the Caribbean as well. As I mentioned earlier, this is a positive resolution. I agree that the government could be doing more to promote and encourage the use of Canadian-grown and Canadian-processed foods.

If ministries are not already following this practice, they should be doing so. To begin with, without exception, ministries should be serving Canadian foods and beverages at functions and meetings. Ads promoting Ontario foods should be included in ministry newsletters and other government publications such as Topical and Job Mart.

Some Ministry of Correctional Services institutions produce and process their own foods. A

co-operative effort to pursue this alternative is definitely a means by which the government could regulate and control the use of Canadian-grown and Canadian-processed foods in government institutions.

The Ministry of Government Services could stimulate the use of Canadian-grown and Canadian-processed foods in government building cafeterias. At present, this service is contracted out to private companies that are not obligated to buy and sell only Canadian products.

I will emphasize again, however, that promoting the use of Canadian food products by ministries, government agencies and institutions is only a small part. We must continue to broaden the Foodland Ontario campaign through television, radio, newspapers and magazines to make consumers even more aware of the high quality of Ontario-grown food available year-round.

As I said earlier, maybe a special campaign could be launched to promote not only fresh products but also Canadian canned, frozen and packaged foods. Consumers want to buy from their own province and will do so if they are aware of the products.

We must also continue to promote the concept of fewer imports and more exports. Programs such as the export promotion program and the export sales aid program provided added incentives for Ontario companies to develop overseas markets. The shared-cost program provided incentives to commodity groups. As I mentioned earlier, trade missions have resulted in an increased awareness among Far East buyers of a wide range of Ontario agriculture and food products.

Continued support of the BILD food processing assistance program is required to provide an efficient food processing sector in Ontario. The main objective here is to increase the value added processing of Ontario agricultural products so that we may replace imports and create exports expansion, increased agricultural production in Ontario and, last but not least, jobs for the people in this province.

**Mr. Charlton:** I too rise in support of the resolution this morning. I compliment the member for Haldimand-Norfolk for bringing it forward. As he said, this resolution will not turn around the farm economy in Ontario, but at least it allows us to discuss the perspective of what is happening in agriculture in Ontario and right across Canada.

The resolution is a symbol of the lack of commitment we have had to our agricultural community and the continuous decline of agri-



culture in Ontario over the past century. During the course of that century, the governments in this province have paid lipservice on a regular, almost daily basis to the agricultural community in this province and—I do not fully understand why—have largely maintained the support of that community, in electoral terms at least.

The member for Haldimand-Norfolk is correct to point out that we have a \$1.1-billion deficit in agricultural products in Ontario. For any province in Canada, let alone Ontario, to be a net importer of agricultural products is a disgrace.

This resolution, as the member for Haldimand-Norfolk and the previous speaker have suggested, will not solve the problems in the farm economy, but with support for this kind of resolution we can focus some of the commitment that is ultimately going to be necessary to start to turn around the farm economy.

The previous speaker mentioned that the problems in the agricultural community in Ontario are far bigger than this resolution addresses. We all know that. It is a basic commitment to an economic structure that ultimately has to be addressed. That is what this resolution does not address. I believe the resolution is put forward as a symbol of the problem that exists, as the member for Haldimand-Norfolk said, but it does not address the problem of the basic economy in the agricultural community.

We must have some major commitment coming forth in this country, not a commitment to patchwork, as we have seen for the past 20 years, not a commitment to staving off foreclosures, a commitment to this and a commitment to that, to putting out fires as the fires arise in the agricultural community, but a commitment to building an agricultural economy that is viable in Ontario. It is all part of the other economic discussions that are going on in Ontario and in Canada.

### 10:30

It is not good enough for us to have resolutions such as this, although we support them, or to have the kind of piecemeal programs the Minister of Agriculture and Food has been announcing over the course of the last year, one at a time. After each program, he assesses how much of the fire he has managed to put out, how much remains to be dealt with, how many farmers we are going to let go down the drain and how many we can save.

We are talking about an economy in the same way we talk about free trade, and that is unfortunate. I recall when the free trade issue was

first raised some two years ago by the Mulroney government in Ottawa, a government that is supposed to be committed to the agricultural community in Canada. I have not yet once heard Mulroney, Michael Wilson or Pat Carney talk about the effect an overall, universal free trade package will have on the agricultural community in Canada. I have heard them respond to some of the trade union concerns about jobs. I have heard them attempt to respond to some of the other concerns about cultural and sovereignty questions in Canada.

A number of times during the free trade debate I recall the agricultural organizations in this country, specifically those in this province, saying repeatedly that free trade will destroy the family farm. I believe that to be true, but we are not addressing that issue here as we should be. It is certainly not reflected in the statements the Premier has made about free trade negotiations. He has not been the most supportive Premier in terms of the one-package free trade approach Mulroney has taken; on the other hand, he has not opposed it either.

This government has not come forward in strong, demanding terms to protect the agricultural community in those negotiations. That has to be part of it. It cannot be a token resolution here, a token program there and the implementation of a temporary program over here to stave off some foreclosures in 1982, 1983, 1985, 1986 or 1987. Either there should be a commitment to building an economic base for the agricultural community or the government should let it go.

It is no different from discussing any other industry in the economy of Canada. Either you decide it is a viable industry you want to keep and are prepared to make the commitment to build the economic base for that industry or you let it go to die.

As long as we are saying the agricultural industry should survive, there is no point in our standing in this House and talking about the problems in agriculture and passing resolutions such as this, although we have to support them, if we are not prepared to go the five steps beyond that in our relationships with the other provinces and the federal government. We must negotiate and fight for the development of an economy for agriculture that will allow it ultimately to survive without the continual need for patchwork programs.

There is no point to it if we cannot get beyond having token resolutions that say ministries, crown agencies and provincially funded institutions should buy Ontario food because we have a



problem; if we cannot get beyond saying, as the member for Northumberland (Mr. Sheppard) said, that we have to continue to support the advertising campaign; and if we cannot get beyond having to listen to the announcements from the Minister of Agriculture and Food, all of which are reflections of the problem we are failing to deal with, all of which are made necessary by our failure to deal with the problem in real terms—

The other two parties in this House, because they largely represent the agricultural communities in this province, like to take unto themselves the claim that they represent the farmers. It is difficult to deny that when a farmer stands up in the House today and moves this resolution and the first speaker for the official opposition is a farmer as well. I remind members it was this party, which at that time did not have any farmers at all, that started raising the issue in the mid-1970s of the disappearing agricultural land in this province.

We still have not come to terms with that issue. It is still out there. Agricultural land is still going out of production every day of every week of every month of every year that passes, and we are doing nothing in concrete terms to address that problem. We are doing patchwork things by trying to prevent farmer A or farmer X from going under in week three or week seven, but we are not addressing the problem of why it is happening. Until we are prepared to come to terms with that, although we have to support resolutions like this, they will mean less and less each time we deal with them in terms of supporting the agricultural community and getting at what the resolutions express, which is this emotional support we continually give to the survival of the agricultural community in Ontario.

**The Acting Speaker:** The member's time has expired.

**Mr. McKessock:** It is a pleasure for me also to rise in favour of the resolution of my colleague the member for Haldimand-Norfolk, "That, in the opinion of this House, the Ontario government further encourage the use of Canadian-grown and Canadian-processed food products by all ministries, government agencies and provincially funded institutions."

By promoting the use of Canadian food products in our ministries, we are helping to increase consumer awareness of commodities produced here at home. We are also taking the lead and encouraging consumers to choose domestic products when and where possible.

Encouraging consumers to buy home-grown products has a spinoff effect that will be felt throughout the economy.

First, buying locally grown produce will help ease the burden of imports from the United States and other countries, which puts so much pressure on our farmers. Farming in Canada is heavily tied to the world economy, and competition for agricultural commodities is high. Our farmers are in a position where they have to try to market their products against the highly subsidized imports of the US and the European Community.

The problem is that both the US and the European Community receive vast subsidies on their farm products and can afford to sell them on the Canadian market at well below the cost of production. If Ontario farmers were allowed to compete, let us say on their knowledge and good practice of farming, they could compete without any trouble, but it is hard to compete against the treasuries of other countries.

Encouraging all Canadians to buy fresh Canadian produce and foods that have been processed here at home will help our farmers and the producers to maintain their market share. If we lose too many farmers, we may become dependent on imports in this country. We should never let ourselves get into that position. If we ensure that our agricultural industry is kept strong, we will not have to rely on imports. We should always keep ourselves in a position of being able to feed ourselves.

This resolution is not just for farmers. In the longer term, it will also help create jobs and keep food dollars within the economy. When I talk about it creating jobs, we know that one out of five jobs in Canada is related to the agricultural and food processing industries. Many jobs are created in food processing, packaging and sales of agricultural products. If we lose our share in the Canadian market for agricultural products, then we also lose the jobs that go along with it. This resolution is very important not only for farmers but also for everyone in Canada, to help keep our economy strong and to keep our jobs in the agricultural sector at a high level.

#### 10:40

Canadians can also choose to buy substitute products. This favours our producers. We can drink apple juice in the morning instead of orange juice. As has been pointed out, we have nice apples on our desks this morning, given to us by the member who introduced this resolution. It is an indication of the good products grown in this country. We have to watch that we do not choose imports when we go to the food stores to buy

products. We should make it a habit to ask the manager or whomever is selling the product where this product comes from. Where are these apples grown? If the apples are from outside Canada, we should ask whether he has any Canadian products.

There are good reasons for that besides economy. The quality of our produce in Canada is outstanding. Freshness is something on which we have a monopoly, because it is hard to bring in products from outside this country and keep them fresh. Freshness is of great importance. Freshness and taste go together. We feel the products we develop and produce in Canada are the tastiest and the freshest.

It does not require any legislation to continue to promote a buy Canadian philosophy. It is something each and every one of us can undertake. Buying Canadian products is the simplest and most direct way we can ensure that Canadian products receive their market share and put new life into our agricultural sector.

I feel Ontario has already taken large steps in this direction. After all, Ontario is Canada's largest producer of agricultural food products and accounts for almost 30 per cent of the total Canadian agricultural food production. The potential domestic market in Ontario is very high. Programs such as Foodland Ontario, which recently got a budget increase of \$1 million, take advantage of that potential by expanding domestic markets and educating the consumer about the benefits of buying Ontario-grown products. These campaigns stress the nutritional value and variety of Ontario foods and the economic benefit to consumers and the province as a whole which results when they buy domestically produced food.

I feel it is important that we continue to set an example and create opportunities to help competitive Canadian food products maintain their rightful place in the marketplace.

The great number of products we have in Canada was mentioned, but some of them are being squeezed pretty hard by imports. Fish was mentioned. We have a large importation of fish into this country; the same is true of lamb. We have the ability to produce all the fish and lamb we need in this country and of course all the other agricultural products. But we must have a price on that product capable of paying the farmer his cost plus a reasonable profit. One way the consumer can help bring that about is to make sure he or she buys Canadian products. When we are buying fish or lamb we should also ask, "Where is this product produced?" If it is not a

Canadian product we should ask where we can get such a product.

I was travelling on Air Canada a while back. I noticed they served wines on the plane, but they did not ask whether you wanted a Canadian wine; they asked whether you wanted French or German wine. When cases such as this come up, passengers should always request, "Do you have a Canadian product?" They should make sure the opportunity is there.

Often the people who are serving these products do not know what the product is, or if they know they are following directions from the owner. We should write Air Canada, A & P, Loblaw's or whoever is promoting imported foods and try to get across to them that we want a good display of Canadian foods on the shelves and the opportunity to buy them.

By buying more Canadian products we are stimulating the growing, producing, processing, distribution and retailing sectors of our economy. We are also helping to create and maintain jobs.

In conclusion, taking steps that encourage the use of Canadian products makes good sense. It is a nontariff barrier to imported foods to our country that is legal and beneficial to our economy. It is a program in which everyone can take part and do his share to help maintain and strengthen this great country of Canada.

**Mr. J. M. Johnson:** I rise to support the resolution presented by the member for Haldimand-Norfolk, "That, in the opinion of this House, the Ontario government further encourage the use of Canadian-grown and Canadian-processed food products by all ministries, government agencies and provincially funded institutions." I repeat that for the third time this morning, but we should emphasize to the government and its agencies that it should be using Canadian-grown produce and foods.

I also thank the member for Haldimand-Norfolk for the apple. I am sure my colleague the member for Wentworth (Mr. Dean) will eat most of those distributed in his row, since he loves apples.

I have the honour to represent a rural riding, as does the member for Haldimand-Norfolk. It is good common sense to encourage the agencies and institutions that are funded by the government to use Canadian-grown food and products from that food.

Several years ago, the then Minister of Correctional Services, Frank Drea, requested that the institutions under his ministry give his friendly boarders the benefit of Canadian-grown produce. He served them tomato juice, grape

juice and vegetable juice instead of imported orange and grapefruit juice. It makes a lot of sense. There is as much nourishment in our fruit and vegetables as there is in citrus fruits from the south. If medical people feel citrus fruit is required on occasion, they can use it, but not every day. In my opinion, it is just as healthy if not healthier to use our food, because we know how it is treated.

Hospitals, nursing homes, homes for the aged, day care centres, schools and universities all receive government funding and assistance. There is no reason they could not follow the proposal of this resolution and use Canadian fruits and vegetables instead of imported produce.

The same example could be followed in the use of fish, poultry, meat and other vegetables. We grow excellent potatoes in the Shelburne area of Dufferin county. As the member for Grey (Mr. McKessock) knows, they are some of the best potatoes in Ontario and Canada. There is no reason to import Idaho potatoes. Excellent lamb is raised in Ontario. We do not have to serve imported New Zealand lamb in these government institutions. If the government sets an example and does not serve imported food in institutions, the people themselves may do the same in their own homes.

We should go further than this resolution. We should educate our citizens, especially our children, about the benefits of eating good-quality Canadian food. Many imported fruits and vegetables are grown in conditions that are not acceptable in Ontario and Canada. Chemicals, pesticides and herbicides that are not licensed to be used in this country are used in other countries.

**10:50**

As one example, in my riding, our government and the Department of National Health and Welfare say we cannot use certain chemicals for red wheat, which goes into cereal, and many fruits are not allowed to be sprayed with certain chemicals, yet we import them from other countries. They use the spray in these other countries. The other people are using it without knowing.

While we are trying to protect our people by saying we cannot use the chemicals, we are allowing them to be imported into the country and there is no control on them. It does not make sense. What we need is a pure food act. Either they are not acceptable in any form or they are acceptable.

I understand Florida welcomes tourists, but it does not welcome produce from outside the state. The Florida government has an economic incentive to encourage residents to use Florida produce.

These are examples of states and other countries that will not allow our food to come in, and yet they send us many million of dollars worth of food.

I remember many years ago—12 or 15 years anyway—I was travelling with my family, and we were going from Canada into the US by way of Duluth. The border patrol searched the car, and the only thing they were concerned about was citrus fruit. We had some oranges in our cooler, and they refused to allow the oranges to cross into the country. Everything else was okay, but not the oranges, not the fruits or vegetables. Their concern was contamination or disease, but they also feel they are protecting their markets.

As I have mentioned, for health reasons alone it is better to eat Canadian fruit and vegetables. It has always been my contention that the Minister of Education (Mr. Conway), who was here earlier this morning—I hope the member for Haldiman-Norfolk will speak to him later—should work very closely with the Minister of Agriculture and Food to develop better programs to educate our young people to the many reasons they should be using Canadian and Ontario food.

As I mentioned, health is one very important reason, but there are others as well. Economic benefits would be high on the list. Many of the people in the city are not knowledgeable about the dramatic economic impact in rural Ontario today—the declining markets and the inability of many farmers to meet their financial needs—because they think only of buying what appears to be cheapest. There are very few countries that at some point in the calendar year cannot produce something and ship it into Canada for less money.

If we are concerned only about the cost and nothing else, our farmers will not be in existence for many years, and then we will have no choice but to pay the import price. At that time they can set the price at whatever they desire and we will be forced to pay it. If more people realized how it impacts on our farmers, they would be more interested in buying Canadian and Ontario food and helping to preserve the farmers.

The Americans, who brought out the US farm bill, have poured many billions of dollars into their farm economy. Our governments are not doing the same thing. The American consumers are indirectly supporting the farmers through the



US farm bill. Our consumers should consider that. It is a direct subsidy, yet we do not seem to appreciate the impact it is having on our farming population.

I would like to close by giving one example of a concern I have about the education process and maybe the lack of it. One of the fruit farmers in my riding told me of an experience he had this past spring. A teacher brought a group of young students out to look at his orchards. One of the things he asked the fruit grower was to show the students the poison they spray on the apples. That is an example of some of the problems we have. If those young people think there is poison on apples, they will not be so inclined to eat the apples the member has presented to us this morning.

The government has a responsibility to make sure this type of misleading information is not spread. We have a very controlled program in Ontario and in Canada to make sure the pesticides and chemicals that are used are safe for human consumption and far safer than any of the countries we import from. That message should be given to the public and especially to our young people in the school system.

**Mr. G. I. Miller:** I thank all members in the House who participated in the debate on the resolution this morning. The member for Northumberland indicated they grow good apples and vegetables down there. We are well aware of that and appreciate that. There are many areas in Ontario that produce excellent fruit. I know the member for Grey put apples from his area on the desks only a few weeks ago.

We know the resolution is not the answer to all the problems in the agricultural industry, as the member for Hamilton Mountain (Mr. Charlton) indicated. It is a small step and a benchmark we would like to achieve by getting a balance of trade in Ontario as far as the agricultural industry is concerned.

We would also like to establish an outlet here at the Legislature where our food might be bought or apples might be made available to all members. I know in our caucus we have apple juice available; I assume that is so on all sides of the House. We could increase that to include apples, grape juice and even peanuts.

I would like to give these to the leaders of our three parties, if I could have one of the pages deliver them to the Leader of the Opposition, the member for St. Andrew-St. Patrick (Mr. Grossman). These are kernel peanuts. We have three peanut producers in Ontario. I am also sending some to the leader of the third party, the member

for York South (Mr. Rae), and the Premier, just to indicate that we do grow peanuts in Ontario. They could be available here in our little store where we could all have access to them.

At the domed stadium, which the province is putting so much money into, there is a market there for them, because anybody who goes to the ball game always buys a bag of peanuts. We could be using our own. If we are going to subsidize a facility such as that, agriculture should be able to play a role and get a return for our producers. Those areas are so important.

The other thing at this time of the year, Christmas, is that we have the people lining up at the soup kitchens because they do not have food available and we have to look for handouts from our society to help our fellow man. I am not against that, but it seems to me there must be excess food sitting around that could be provided to food banks so people do not have to go hungry or do not have to go begging. Something that bothers me more than anything else is to see somebody have to go cold, without shelter and without food. Those are three ingredients we should not have to contend with here in Ontario, because we have all the resources to work with to provide them.

I am pleased to have the opportunity of presenting this resolution, and I ask not only for the support but also for the help of all members of the Legislature in trying to achieve and accomplish what the resolution suggests.

**The Deputy Speaker:** In view of the fact that no peanuts were shared with other members of the Legislature, we certainly cannot let the member go further over his time limit.

**Mr. G. I. Miller:** On a point of privilege, Mr. Speaker: If the members had been in agricultural estimates the other day they would have been aware that peanuts were available. You just have to be in the right place at the right time. They are available, and we would love to see all caucuses have them in their caucus rooms. I am sure the producers would appreciate that, and it would be something for the leaders to suggest.

**11:00**

#### SATELLITE DIALYSIS UNIT

Mr. Turner moved resolution 69:

That, in the opinion of this House, recognizing that there is no haemodialysis unit in any hospital between Toronto and Kingston and recognizing that people requiring dialysis must travel long distances several times weekly to receive this treatment, the Minister of Health should approve

and facilitate the supplying of a satellite dialysis unit to a hospital in Peterborough.

**The Deputy Speaker:** The honourable member has up to 20 minutes for his presentation and may reserve any portion of it for his windup.

**Mr. Turner:** I think I can say everything I have to say within the 20 minutes. I will not reserve any further time.

I am pleased to move this very important resolution today, since I feel it addresses an important and somewhat neglected issue in the field of health care in this province and, certainly, within the constituency of Peterborough. This area of concern has been identified for me by the constituents in Peterborough. However, I am well aware that it is a concern that touches the lives of many residents across Ontario.

Health care and the provision of excellent services in this area have long been priorities of this province. We are privileged to live in a province able to benefit from the high standards of medical care that have been developed through the years. In the past, we have seen that as concerns have arisen, they have been addressed, with attention paid and care given to provide the best possible health care in the most efficient manner possible.

We work within the framework of a system where needs, as identified, are evaluated and fulfilled in the best possible way. Bearing this commitment in mind, within the past few months I have become increasingly aware of the growing and urgent need for an improvement and rationalization of services in one particular area of the health care field. The area to which I refer deals with the realm of internal medicine, specifically with patients with kidney disorders who require haemodialysis.

From letters written to me by various constituents, from conversations and petitions, I have come to appreciate that the provision of haemodialysis in the Peterborough area is not satisfactory and actually creates a great deal of undue hardship for those who must rely on these services. Currently, the system is one that poses frustrating and upsetting roadblocks, pitting the need for treatment against the desire to pursue what most of us would consider to be a normal life.

It has been pointed out to me that the remedy for this situation is actually very simple and has been effected with great success in other regions of this province. The solution of the current problems created for kidney patients in their pursuit of life-sustaining treatment lies in the

establishment of a minimal-assistance, self-care dialysis centre or a satellite haemodialysis unit.

My understanding of the issue leads me to believe that such a system could be established quickly and relatively economically. In the long run, the benefits in terms of care and convenience and the overall improvement that this minor adjustment can make for health care in general are such that the time has come for the foundation of such a unit in Peterborough and in many other centres in this great province of ours.

I have asked, in the form of a resolution, that the Minister of Health (Mr. Elston) approve and facilitate the supplying of a satellite haemodialysis unit in Peterborough. This is not to minimize in any way the importance of this subject to other major population centres in this province that have exactly the same problem.

This is a consideration of utmost concern to a significant number of residents in Peterborough and the surrounding area. In the early fall of this year, I provided the Minister of Health with a copy of this petition, which was signed by more than 90 constituents, all of whom are affected to some degree, either directly or indirectly, by the availability of haemodialysis services in Peterborough, or the lack thereof.

The petition is signed not only by kidney patients on, or expecting to be on, dialysis regularly, but also by patients who have had kidney transplants, by volunteers of the Peterborough chapter of the Kidney Foundation of Canada and by a number of professional people with an understanding of the issue who support the request for a satellite dialysis unit in the area of Peterborough.

Let me say very clearly and very quickly that I am far from being an expert on medical matters, but the positive implications of locating such a facility in Peterborough are quite obvious and very clear.

I am informed that there are two different types of dialysis used in the regular treatment of kidney patients. One of these is known as peritoneal dialysis. This is an ongoing process which allows a good deal of freedom to a patient, who is not hampered by having to break his or her daily routine for the treatment. The other method, known as haemodialysis, is a different, more cumbersome system, the provision of which is of concern to me. Although I cannot give a detailed account of why one patient uses one system and another patient uses the other, it is clear that while one system is satisfactory for one patient, it does not suit another.



The process of haemodialysis requires that the patient be hooked up to a stationary machine for anywhere between two and eight hours at a time, on an average of three times a week. Mr. Speaker, I ask you to reflect on that. While you were sitting in the chair, you could be hooked up.

I think we should all take a moment to reflect on the effect that such a time requirement would have on each and every one of us. I say this with the greatest of respect. Not only does it take valuable time out of the average working day, but it does so on such a regular basis that it would also indeed be very difficult for any one of us to function as we do in our various roles in this Legislature.

This effect is compounded in many areas of the province by the lack of easily accessible treatment facilities. As was mentioned recently by the member for Scarborough-Ellesmere (Mr. Warner), who is in his seat this morning—and I am very pleased to see him here—there is currently not a single facility between Toronto and Kingston, a travelling distance of three hours, which is set to provide kidney dialysis service.

Therefore, for patients of the riding of Peterborough, regular treatment by dialysis requires a round trip of four hours made to a kidney centre three times a week. This involves a massive commitment of time, energy and money on the part of kidney patients seeking regular and essential treatment. Time and again, this point has been brought home. The interruption to normal life is a serious problem.

Recently, I was made aware of a young girl who is going to begin dialysis treatments in Toronto on a thrice-weekly basis. Not only will such treatment make it exceedingly difficult for her to carry on with her regular school activities, but the time and energy spent by her whole family in this process will also have a profound effect on all their lives.

Because there are currently no available facilities in the area, Peterborough kidney patients spend up to \$40 per trip in pursuit of this treatment. They lose out further from difficulties presented in securing employment, which will afford them the necessary time for this essential travel.

Right now, I believe 16 people from Peterborough make the trip regularly to Toronto or Kingston for these treatments. The human toll taken in frustration and inconvenience must be devastating. Being dependent on such treatments must be difficult. I suggest that driving at least two hours, at this time of year, on our infamous Highway 115, perhaps through snowy blizzard

conditions, to receive this treatment does very little to lessen the burden.

An alternative means of receiving dialysis is provided through the use of machines installed in the homes of individual patients. For eligible candidates, this treatment provides a welcome relief from the burden of continuous travel. In many cases, however, the benefits of this convenience have been tempered by problems with the aged machines provided.

My understanding is that machines are made available to certain patients who have family members or friends willing and able to take the training required to run the machine and monitor the care of the patient while he or she is undergoing treatment. Eligibility as a candidate in this program is limited to those who have adequate facilities at home, and it is therefore not a means of treatment that is suitable to every patient.

### 11:10

The benefits of this system to the patients, through convenience, make an appreciable difference. However, the limitations of this system cannot be denied. Equipment breakdowns force patients to make frightening emergency trips to a hospital with dialysis services, and even booking time on these machines can be extremely difficult. The time delay this can cause presents not only an additional worry to patients, but also, if prolonged, can become dangerous to their health. I cannot help but sympathize with the uncertainty that these people must deal with every day of their lives.

What of the family member responsible for giving the assistance with these dialysis treatments at home? The stress and physical strain involved in monitoring the patient and the equipment and the time commitment required in the process create an additional burden on the rest of the family. Should the assistant take ill, there is the additional worry of finding someone else who can take over provision of care in the interim period.

I sincerely hope the Minister of Health will immediately focus his attention on this facet of the health care system in our province, one that is obviously lacking. I respectfully suggest that improvements are warranted, not only for efficiency's sake but also for the standard of care provided in Peterborough and other centres in this province.

At best, the system seems to me to be inefficient. At worst, I fear for the danger posed in many instances and for the frustrations caused to the patients. I regret the continued waste of



human and financial resources caused by a system that can be so easily and hastily remedied.

I am convinced that a simple and efficient means to improve this area of health care lies in the establishment of a satellite dialysis unit for the central Ontario region at a hospital in Peterborough. There are a number of satellite programs currently active, and apparently very successful, in Ontario today. One of these is located in Hanover. It was established in 1977 as a satellite of Victoria Hospital in London. As a satellite unit, the dialysis machines are located and beds provided at the Hanover and District Hospital and nursing staff are made available for monitoring and care of the patients.

As such, it is a skin-and-bones type of dialysis operation, providing treatment on an outpatient basis with any detailed specialized care being given at the base hospital in London. Care of the patients is closely monitored and in-depth reports are submitted to the kidney specialist at the base hospital. The entire operation is geared to the provision of this treatment on an efficient outpatient basis with a minimum of confusion or inconvenience to the patient and a high degree of patient care.

The benefits of this program are obvious. Machinery is less likely to break down, and if it happens, there are people on the spot who are trained to deal with the problems created. With a structured reporting system and medical staff available, the patient is guaranteed that the treatment will progress as it should. Furthermore, to name the obvious, the availability of treatment closer to home cannot help but be a tremendous relief to patients accustomed to travelling long distances and to the rest of their families.

Another concern that has been presented in terms of Peterborough arises directly from the immediate problem of distance, especially in Toronto cases, such as accident victims or in the case of kidney failure. In such cases, time spent transporting the patient to the proper emergency facilities cannot in any way benefit the patient. From that standpoint, the need for a local facility is undeniable.

The statistics speak for themselves. Of all the kidney patients in the Hanover area since the establishment of a satellite unit, 60 per cent now are using the unit on a regular basis, leaving only 40 per cent on home dialysis machines. In Hanover, the minimal assistance self-care program has been encouraged as an alternative to home care. It is obvious that the program has been very well received, so much so that a

satellite program has recently been developed to run out of the base hospital in London. As an outpatient program, this service has proved itself to be a cost-efficient and manpower-efficient means of providing this much-needed service to kidney patients in this region.

Again, I call upon the Minister of Health to facilitate the provision of the same standard of care throughout the province. I propose Peterborough as the most logical geographical location to consider for such a unit in the east-central Ontario area. We have a number of excellent medical facilities in the city, and the need for this additional facility is clear.

I know the Minister of Health is well aware of the demand for such a facility in the Peterborough area, and I understand and sincerely hope he is looking into the matter actively. I urge him as strongly as I can to evaluate the services currently provided and take steps immediately to approve the establishment of such a unit.

I have been in contact with Sam Majic, president of the Peterborough chapter of the Kidney Foundation of Canada. Among the many activities of this organization, they have spearheaded numerous successful fund-raising drives. I am told much of the money raised is currently being used to finance the travel necessary for kidney patients receiving treatment in centres away from Peterborough. I find this extremely disturbing, and I question a system that fosters the inefficient use of time and places such a strain on people, especially when there is a simple and effective solution to the problem.

I have been asked to pass on a challenge from this chapter of the Kidney Foundation, and to notify the minister that this organization based in Peterborough will come up with the funding to buy the machine. It asks only for ministry approval and operating costs to run such a program in a designated Peterborough hospital.

In the Peterborough area, we have medical personnel trained and willing to work in such a dialysis unit, and we have excellent hospital facilities, with access to the kidney centres of Montreal and Toronto for follow-up visits. The need for this unit has been demonstrated. The solution is obvious, very simple and highly effective.

On behalf of kidney patients in Peterborough and surrounding area, and indeed those in the rest of the province, who ask only for a chance to lead normal, productive lives, I ask the Minister of Health to re-evaluate the program of services currently available in our area and in other parts of the province, and I urge him to work with us

towards the establishment of a satellite dialysis unit in a Peterborough hospital.

**Mr. Warner:** I am very pleased to support the resolution brought forward by the member for Peterborough (Mr. Turner). He is to be congratulated, because he raises a very serious problem which especially affects the area between Toronto and Kingston but, no doubt, other areas in the province as well.

At the outset, I want to pay tribute to two doctors in my area with whom I have been working closely and who are to be personally congratulated on their determination to achieve for the people of Scarborough the appropriate services in the renal dialysis program. They are Dr. Paul Tam and Dr. Allan Toguri, both of whom have worked exceedingly hard on this issue.

I want to quote Dr. Tam, who said one of his patients died while waiting to get on a renal dialysis program for kidney failure. "There was no room at a downtown Toronto hospital, so he had to wait. He finally died from complications while waiting to get on a dialysis machine."

Each year, of every one million people in Canada, about 60 people go into end-stage renal failure and are in need of dialysis to stay alive. There is no such program between downtown Toronto and Kingston. It seems to me it is quite a shame that in a society we pride as being civilized and well organized, we cannot provide the kind of service that would prevent that tragedy.

## 11:20

Scarborough General Hospital commissioned a study by Peat Marwick. The study was extremely useful. One of its conclusions was that patients in need of chronic dialysis cannot be handled at Scarborough General Hospital since it lacks the facilities for patient teaching to begin a chronic program, and for ongoing patient management. The need has been clearly identified, not just by the hospital and by people living in the community but also by a very thorough study completed by Peat Marwick.

In addition, a Department of National Health and Welfare guideline for regional renal failure programs estimates 200 to 300 people per million population are at risk. Of these, 25 per cent may require full care; that is, 50 to 75 cases per year will require three dialyses a week in hospital. Of the total population at risk, 10 per cent will require a period of hospitalization in any given year. The patient load for a regional dialysis centre should not exceed 50 to 75 full-care patients. Each region of one million population will require approximately 20 ambulatory dialy-

sis treatment stations. This allows sufficient capacity to treat patients for end-stage renal disease and still leaves a reserve for dialysis of patients with other indications.

Using the federal guidelines, the at-risk population for the city of Scarborough would be approximately 100 to 150, and an end-stage dialysis facility would be warranted. The centre could also serve surrounding communities as treatment space is available. Of course, we have been attempting to assist people in the surrounding communities of Pickering, Durham and so on.

In attempting to achieve a modern approach to health care, we are looking more and more at what can be done in the community and relying less on hospital facilities. Indeed, this program falls into that category very nicely. Patients on renal dialysis fall into one of three main programs of patient care: centre dialysis patients, who are dialysed in hospitals by staff; self-dialysed patients, who are dialysed in hospitals by themselves; and a home dialysis program, where the patients care for themselves and are assisted by family members. That aspect means that with only a 10-bed unit we can accommodate up to 100 people per year. That is making efficient use of very scarce resources, which are always a problem in communities and particularly in hospitals.

The issue at Scarborough General has been known for some time. A great deal of study has been done, as I mentioned, by an outside source, Peat Marwick, and by the Department of National Health and Welfare. The community has been aware of the problem. Doctors in the hospital have pushed hard for a long time. The matter has been before the district health council for almost three years, yet no decision has been made. To me that is inexcusable. I do not know how in good conscience the government could have allowed this decision to drag on for almost three years.

I am going to read a little quote from Mrs. Helen McBrien, the widow of Dr. McBrien, a long-time and well-respected family doctor in Scarborough. Last year, Dr. McBrien died of kidney failure. In his three years on dialysis, he spent 254 days at Toronto Western Hospital. His wife drove him downtown three times a week, and each trip took 35 minutes to an hour. The couple lived two blocks from Scarborough General Hospital, and Dr. McBrien was attempting to maintain his medical practice as a family physician. Here was a doctor attempting to serve his patients and not let them down, yet three



times a week he had to make a trip downtown while, ironically, he lived only two blocks from our hospital. That says to me we have failed. When we know how to handle problems and do not handle them, that is failure.

On this issue, the previous government failed to deliver the program that was identified and needed, and the present government continues to fail. I am becoming very frustrated by it all. I have raised the matter in the House on more than one occasion. I have written to the minister, but to date we still have no answer. I know, as the member for Peterborough knows, that there are people in our community who are suffering from kidney disease who could be assisted, both in the hospital and in their own home, at a relatively low cost, yet they are not being helped. We have the knowledge, the expertise, the equipment and the money; but there is no action.

I am pleased this morning to rise in support of the member for Peterborough. I hope other members in this assembly will do as the member and I have done and continue to put pressure on this government to deliver, because there is nothing more important in our lives in Ontario than our health care system—nothing. We have a lot of work to do to provide the health care services that people in Ontario need and deserve.

When Dr. Tam and Dr. Toguri came in to see me about this, I made a pledge to them, which I will repeat, assuming the minister will be reading it. I said I would not rest until Scarborough General Hospital has a renal dialysis program. I assume the member for Peterborough will do likewise in his community.

**Mr. Polsinelli:** In rising to speak to this resolution, I want to describe to the members of this assembly a number of aspects of our health care system that must be considered before a decision such as that proposed by my colleague here today is enacted.

In the past three decades, we have seen phenomenal increases in our use of health care services and in health care costs. Ministry of Health expenditures have been growing at an average of 12 per cent in the past 10 years, far surpassing the rate of inflation. Only 10 years ago, the total actual expenditures of the Ontario Ministry of Health were slightly more than \$3 billion. This year, the budget will be more than \$10 billion, representing approximately 32 per cent of all provincial expenditures.

Health care in this province is big business. The system, which employs more than 200,000 people, outranks many of Canada's largest corporations. If ministry expenditures were

compared with the sales and operating revenues of Canada's largest industrial companies as reported by the Financial Post, it would rank in the top five.

In recent years, ministry spending has increased by five per cent per year in real terms. If these trends continue, the increase in our health care budget, excluding inflation, will be \$3 billion over the next five years. While a one-third hike in real health care spending is projected, no one seriously believes we are going to be one third healthier as a result. It is apparent that more health care is not necessarily better health care. We must now focus on quality and value rather than on quantity and volume.

### 11:30

We need only look south of the border to see that quantity of care is not directly related to quality of care. In 1985, our American neighbours spent proportionately more on health care than we did: 10 per cent of the US gross national product, compared with 8.5 per cent of the Canadian gross national product. However, on the basis of many indicators, such as infant mortality, Canadians are healthier than Americans.

In Ontario, growth in health care spending has occurred despite the fact that no major new universal health care programs have been introduced in the past five years. We are largely buying more of the same, but buying more of the same can restrict our ability to buy what is new, different or innovative. What is more, health care is only one of a number of government programs that people expect to be funded and provided. Housing, job creation, education and social services are all competing for a legitimate share of government revenue.

These demands are coming at a time when the federal government is cutting back on transfer funds in health care and education and is looking to the provinces to shoulder a greater portion of the financial load. With the revolution now occurring in medical and health care technology, it is certain there will never be enough money to cope with the growing demand for services unless the health care system is carefully managed.

The cost of health care affects all of us, whether we are health professionals, businessmen, politicians or private citizens. It is an issue we must respond to as a society, because it raises not only financial considerations but also moral and ethical values.

What kind of health care system do we want? What kind of system can we afford? What kind of



system will benefit the most people? What kind of system provides compassionate and necessary care, with prudent managers? These are questions we all have to answer; ones we all must propose and discuss.

Let us identify some of the pressures within our health care system. In the past five years, we have recorded a 54 per cent increase in the volume of private lab tests. In other words, in 1985-86, Ontarians utilized half again as many lab tests as five years earlier. Over the past seven years, the cost of prescription claims under the Ontario drug benefit plan increased by almost 300 per cent. That is an astonishing and alarming figure. While rising drug costs and expanded benefits in a growing elderly population are significant factors in these developments, they alone do not account for the volume of increases we are seeing. We have to ask ourselves whether there is some inappropriate use of our drug benefit plan.

In 1985, a record 1,405 new physicians registered to practise in Ontario. These new registrants represented an almost six per cent increase in the number of physicians in the province in just one year. Our general population growth, by the way, is averaging about 1.2 per cent annually. Today in this province, our physician-to-population ratio is one doctor for every 495 people. Twenty years ago, the ratio was one doctor for every 762 people.

In health care, technological innovations create whole new areas of demand and increased costs. For example, the computerized axial tomography scanner does not replace the X-ray machine; it is basically an add-on in the system. Similarly, magnetic resonance imagers will not replace CAT scanners; they will become add-ons to the X-ray and the CAT scanners. In health care, the new rarely replaces the old.

It is because of these many pressures in our health care system that effective management is so important. We must ensure the most effective use of our health care resources through a management structure that allows for consultation and consensus.

The district health council program of the Minister of Health is a prime example of such a management structure. District health councils provide an effective means for local groups, associations, health care providers and individuals to participate in planning health care services in their regions. Councils assess community health requirements, develop plans for comprehensive and co-ordinated services and advise the

minister on local priorities for health care spending.

The Minister of Health has stated that all proposals for new health care programs, regardless of the source of funding, will have to be reviewed by the district health councils. This approach will ensure that valuable health dollars are spent on the co-ordinated development of health care programs needed by each region.

Earlier in his remarks, the member for Peterborough indicated that "needs, as identified, are evaluated and fulfilled." Particularly because of those remarks, I say that in the light of my understanding to date, the minister has not received any indication from the local district health council as to the need for a dialysis unit to serve the Peterborough area.

As my colleague knows, any new hospital-based program in the province must be reviewed and priority ranked by a district health council before funding can be approved. For that reason, I would be hesitant to show my support for the resolution at this time in the absence of an endorsement from the local district health council, an endorsement that would legitimize the true community need for the proposal and reflect the responsible decision for the effective management of our health care system.

I can understand the pressures the member for Peterborough is under in trying to have this resolution endorsed by the House. As a local member, I have similar pressures on me from York-Finch General Hospital, which is currently preparing plans for an \$8-million expansion of its emergency wing. It is a long process. We are halfway through that process. I believe we are now past the master plan stage. We are looking at the functional stage, which would provide a detailed narrative document, proposed by the hospital in co-operation with the ministry, showing the actual diagrams of the new expansion of the wing. These are very real pressures that each of us is under.

Each one of the members of this assembly has very real pressures from local hospital organizations, local district health councils and local people saying there is never enough in health care services. It is our responsibility as a government and it is the minister's responsibility as the Minister of Health to analyse these in co-operation and consensus with the local district health councils and to allocate the resources as fairly and as equitably as possible.

**Mr. Pollock:** I am proud to have this opportunity to stand and support the resolution of my friend and neighbour the member for

Peterborough. Those members who have lived in large centres such as Toronto or Ottawa do not realize that people in the rural areas have to spend many hours travelling to hospitals to receive haemodialysis treatment.

As the resolution points out, there is no haemodialysis unit between Kingston and Toronto. It is inconceivable to me that in the latter part of the 20th century we are not able, and in some cases not willing, to bring adequate and convenient health care to all the people of Ontario. In fact, the Liberal record in the health care field can only be described as poor.

One area in which very little progress has been seen is the Liberal promise of no Ontario health insurance plan premiums. On this, as with most areas where the public would benefit, the government is moving at a snail's pace. On the other hand, when it comes to raising taxes, the government has shown amazing speed.

Today, my friend the member for Peterborough is giving the government a chance to redeem itself. Should the Minister of Health today announce allocations of funding to purchase, set up and operate a haemodialysis unit for the Peterborough or Belleville area, he would be bringing a great deal of benefit to those people living between Kingston and Toronto who must spend hundreds of hours each year in travelling time to receive dialysis treatment.

In my riding, there are several people who must travel two hours or more in each direction to a hospital in Kingston to receive dialysis treatment. For example, Mrs. Armstrong from Marmora is currently recovering from transplant surgery in which she received a new kidney. Until only a few weeks ago, Mrs. Armstrong was required to travel to Kingston three times a week, on Mondays, Wednesdays and Fridays, for treatments that lasted four to four and a half hours each time. There was another one to two hours of preparation and recovery time. This, along with almost four hours spent travelling, made for a very long and exhausting day for Mrs. Armstrong.

#### 11:40

Also, members may not be aware that the treatment often left Mrs. Armstrong feeling very sick. On several occasions, Mr. Armstrong had to pull off the side of the road on the way home so that Mrs. Armstrong could be sick to her stomach. This type of reaction is not uncommon. If there had been a dialysis unit closer to home, Mrs. Armstrong might have been able to reach home before becoming ill and not have had to suffer the indignity of being sick on the roadside.

Mrs. Armstrong is one of the lucky ones. Her doctors were able to find a donor. Others are not so lucky. Many spend years on the dialysis machine and eventually die, without being able to resume active and normal lives.

The very least we as legislators can do for these people is make them as comfortable as possible until they receive new kidneys and provide them with haemodialysis units within reasonable distances of their homes.

Chapters of the Order of the Eastern Star and the Royal Canadian Legion in Hastings county have raised, and are willing to raise, money to fund a haemodialysis machine in that area. It is not fair for these people to have to travel a long distance, particularly in emergency situations or in extreme weather conditions, for treatment which keeps them alive. We have the chance today to show we care. I urge the unanimous support of this resolution.

A few years ago, Keith Norton allocated funds for a unit in Belleville, but all the details could not be worked out and the dialysis unit was never installed. I urge the government to take immediate action and announce today the funds to purchase, install and operate a haemodialysis unit for the Peterborough-Hastings area.

**Mr. Cousens:** I am pleased to rise in support of the motion before us prepared by the member for Peterborough. It shows the sensitivity of the member to the needs of the people in his community and in Ontario. I respect greatly the kind of initiative he is bringing to us today.

I was with our task force on human and social issues this past summer. When we visited the great town of Peterborough, this very subject was discussed at that time. We were aware not only of seniors having this problem but also of many other people in the community who had to go long distances to other parts of Ontario to receive their dialysis treatments for kidney disease.

As the honorary chairman of the York region kidney unit, I have a personal involvement with the Kidney Foundation. I also have a very personal contact, because my brother was one of the 409 patients who died of kidney failure in 1983. It is in that context that I have always had a special interest in the needs of kidney patients and what we as citizens in Ontario could do to help them.

It is amazing how large is the number of those who suffer. In 1983, 2,922 patients in Ontario suffered total kidney failure. Of these, 47 per cent have since received functioning transplants, a large number of people with kidney disease who would otherwise face a very bleak future.



There is no cure for kidney disease. One of the three approaches used is the living organ transplant. Indeed, there has to be far more done in this province to encourage people to donate their organs so that we can have this as the most cost-effective and best method of helping people who will otherwise face a very unhappy, bleak and sick future.

We should do everything we can in this Legislature to advance the educational knowledge of people, to get them to sign organ donation cards and to get the government to improve and streamline the system so that people who otherwise may not think of this will increase the possibility of other people having a remedy.

In the 1983 figures, 628 patients in Ontario were using the treatment known as peritoneal dialysis. This method of treatment frequently causes patients to have infections. In 1983, of all the people in this form of treatment, 52.7 per cent got peritonitis; 320 of the 1,313 patients using this treatment had to stop using it as a result of complications.

Another alternative form, the third way in which kidney disease is treated, is through haemodialysis. This is done by taking the body waste out of the blood by using an artificial kidney machine. I think the member for Peterborough was asking for this approach in satellite cities such as Peterborough, so that they could serve the needs of their local communities.

There are 23 hospitals in Ontario that offer haemodialysis. While they cover the major population centres, they do not by any means serve all the people in the province conveniently. For example, aside from Peterborough, Barrie, Belleville, Chatham, Cornwall and Guelph do not have a treatment centre within their boundaries or in the adjacent municipalities. At present, in all but Guelph, the travel time to the cities with a treatment centre is substantial.

Hundreds of thousands of Ontarians live well beyond the range of any of these centres. For them, kidney failure means a major move as well as a loss of capacity to function normally. For those who suffer from kidney disease, there is a need for immediate expansion of kidney treatment into satellite centres.

Let us also see expansion of other services, such as in-home dialysis. The cost of a patient dialysing at home is approximately \$20,000 a year compared to the in-hospital cost of \$35,000 a year. This does not mean that hospital treatment centres should be eliminated, but based on British experience, 50 per cent of all haemodialysis patients could be dialysing at home. In

Ontario, this would mean that rather than 680 patients in hospital centres there might be 340, at an annual cost saving of \$5.1 million.

I would like to see a better rationalization of in-hospital treatment facilities. At present, apart from the need for satellite facilities, which I have already mentioned, Ontarians with kidney failure are well served by the Ontario health care system. However, at the present growth rate of net new patients per annum, facilities of all types will need to expand.

I would also like to see a fresh effort and an enthusiastic response by the Minister of Health and the government as they face up to this opportunity to serve those people with kidney disease.

I had a phone call this morning from a parent whose three-year-old child is in the Hospital for Sick Children. All last week this child was on hold, waiting for an analysis of his problem. The child needs a procedure that requires time in surgery. He had to wait without food for two days in preparation for surgery but was unable to be scheduled because of the heavy load in that hospital.

There is one very important key to the future of people with a disease such as this. Those of us who are healthy and who care must make sure the system is ready to respond; and not only here in Toronto, where it should be ready, where there is service, support and a very meaningful and caring group of doctors, surgeons, nurses and health care specialists, who want to do their best, it should also be expanded throughout Ontario so that kidney disease is not something that causes a person to be isolated from the rest of the community, isolated from life and forced to go into a different kind of lifestyle.

We have to put this as a matter of high urgency. I trust that through sharing our concerns today in the House, we will all do more to help in this great crusade.

**11:50**

**Mr. Breaugh:** I want to speak briefly to support the resolution. I would probably move an amendment, were that possible, to remove one word, "Peterborough," and insert the word "Oshawa," but I will not do that.

The problem that has been pointed out is one that needs to be addressed by the province as a whole. Many people from the region of Durham use this kind of facility in downtown Toronto, and that is the problem. If you live south of Bloor Street in Toronto, you have the finest medical equipment and personnel in the world at your disposal. If you live north of Bloor Street, you do



not, or at least not to the same degree. Part of what the resolution points out is that there are, I suppose, thousands of people in the catchment area from here to Kingston who would make use of this type of facility. I know that in the region of Durham there are probably close to 100 people who make use of facilities of precisely this nature in downtown Toronto medical centres.

The difficulty is that in addition to the normal trauma that is associated with this kind of technology and this kind of medical problem, there is the added trauma that you have to travel on a regular basis, two or three times a week, to receive the treatment. You have to leave your home community, providing additional trauma to your family, to your friends and to yourself to receive care. Many of us have been trying to get some better design in the system. It is probably not as important, as the resolution points out, to establish this in the community of Peterborough, because as the member knows, it will not serve just that one community. There is a huge catchment area that needs to be served, which in this instance extends all the way to Kingston.

It would be a bit of a problem to determine the best geographic site for the unit. Peterborough, I suppose, is as good as any, and Oshawa is as good as any. There might be several other hospital facilities between here and Kingston that could serve the purpose just as well.

Transportation is a problem for many people, for example, coming from the northern part of Durham in the winter months. What in the summer months is an aggravation in the winter months becomes something much more than an aggravation. With travelling conditions getting a little more difficult the further north you get, you add that to the trauma. As one who commutes regularly from Oshawa to downtown Toronto to go to work, I can attest to the fact that on some days it is not a bad drive. It is never a pleasant drive, but on some days it is not bad. However, on some days it is a treacherous drive. People who are making that drive on a regular basis to receive medical care do not need that added trauma.

The resolution brings to the House a problem that we ought to be concerned about, and that is, where are these medical facilities located? It points out that there is an imbalance in our medical care system. I have a group that is meeting in Durham now to try to get this kind of unit put into a hospital somewhere in Durham. Perhaps it would be better left to the health councils to make the determination as to precisely which hospital could best utilize the facility

and where the placement of the unit would be ideal for the community.

It might turn out, and I have heard some discussions to this effect, that Peterborough would be a good location. I do not want to deny that for a moment. Although the drive to Peterborough is more pleasant than the drive to Toronto, in wintertime it can get a little chancy too. I have heard that the government has just shut down its plans to do what it ought to do on Highway 115/35, and that is a terrible disgrace. I am sure that just prior to the election they will rectify it by building the road they ought to build, so that will solve that problem.

**Hon. Mr. Nixon:** Next week.

**Mr. Breaugh:** It is coming next week.

The resolution deserves the support of all members. It points out a problem in medical care in Ontario, that specialized units of care such as this one were not always placed according to need. They were often placed according to who in the medical profession could get together the best offer, could put together the justification in terms of expenditures of money, expertise in terms of staff and find a hospital board that was prepared to proceed on that basis.

The imbalance is clear. I suppose this is a little startling, but in many respects it is probably just as difficult for people who need specialized care who live in Durham or Peterborough as it is for people in the far north, except that for the far north we now recognize that there is a severe problem and we have an air transportation system to provide for that. Many of our citizens live much closer to the specialized facility, but they have to get there on their own hook, so to speak.

The resolution is certainly worthy of support. Even though it does state that the facility will go to Peterborough, I still invite all members to support the resolution because it does point out that there is a serious problem. The problem is one we have known about for some period of time. The member for Scarborough-Ellesmere (Mr. Warner) has been very active in trying to get that kind of unit in a hospital in his area. That would serve my purposes just as well as the one in Peterborough. Frankly, I am not going to be strident about where the unit is placed. All I am saying is that somewhere between downtown Toronto and the city of Kingston there ought to be such a unit just to make it accessible to the public at large.

**Mr. Stevenson:** I would like to thank the member for Oshawa for leaving me a few moments.

I rise to support the resolution of the member for Peterborough. I would also, mildly or quietly, support the thoughts of the member for Oshawa. Certainly, a haemodialysis unit is needed east of Toronto. We would be happy to see it either in Peterborough or in Durham region. Some of the people who live in my riding use the Ross Memorial Hospital in Lindsay. There is no question that those requiring this service could certainly make use of the unit in Peterborough as opposed to coming to Metro Toronto.

I would also like to take the opportunity to say a few words relative to York County Hospital. We are fortunate to have a person by the name of Whipper Billy Watson living in East Gwillimbury, in Sharon. He is a former famous wrestler, but more important, he is a great humanitarian. Anyone who has followed his tremendous successes in working with disabled people will be very much aware of the millions of dollars he has raised to help disabled people.

Right now, he is undertaking a new project, which is to raise \$2 million for a computerized axial tomography scanner unit for York County Hospital. That will be a tremendous new service for people in the south Simcoe and York areas. Unfortunately, Whipper finds it necessary to raise this from the community because the Treasurer (Mr. Nixon) is not coming forth with the money to put the unit in the York County Hospital. In the past, Whipper raised money for a pool in the York County Hospital to help in the rehab unit there. We wish him well in this new undertaking. I am sure he will succeed and he will have a tremendous amount of community backing in undertaking this project.

That is somewhat aside. I know from the resolution at hand, however, it is the same sort of

idea in that we as members are seeking to improve health care services for the people in our area. Just as some of the people on the east side of my riding might well use the haemodialysis unit that we hope will go into the Peterborough hospital, the people from the whole west side of my riding in Georgina, East Gwillimbury and soon Whitchurch-Stouffville would have the opportunity of using the CAT scanner unit in York County Hospital.

For many of them, it is a considerable drive. If they are in poor health, it becomes an extra burden. The closer we can get these very important services to their homes, the better it is for the health care of those people.

**Mr. Speaker:** That completes the allotted time for discussion on private members' public business.

#### PROMOTION OF CANADIAN PRODUCTS

**Mr. Speaker:** The time has come and we will now deal with the first item, the motion by Mr. G. I. Miller. If any members are opposed to a vote on this resolution, will they please rise? Seeing none able to get up, is it the pleasure of the House that Mr. G. I. Miller's motion carry?

Motion agreed to.

#### SATELLITE DIALYSIS UNIT

**Mr. Speaker:** The next item we will deal with is Mr. Turner's resolution. If any members are opposed to a vote on this resolution, will they please rise? Therefore, I will place the motion. Is it the pleasure of the House that Mr. Turner's motion carry?

Motion agreed to.

The House recessed at 12:01 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. Nixon:** I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**Mr. Speaker:** The Lieutenant Governor transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1987, and recommends them to the Legislative Assembly. Signed by the Lieutenant Governor, Lincoln Alexander.

## MEMBERS' STATEMENTS

## INTERNATIONAL PLOWING MATCH

**Mr. Pollock:** September 16, 1986, was the official opening day of the International Plowing Match and Farm Machinery Show, which was held in the riding of Hastings-Peterborough. The motto of the ploughing match was "The Big Cheese." The big cheese has now been cut into small pieces and packaged, and I want to present a package of this cheese to all the members who attended. These are with the compliments of Cooney brothers, rural route 3, Stirling. I ask the pages to come forth and deliver them and I will read off the names:

The member for London Centre (Mr. Peterson), the member for St. Andrew-St. Patrick (Mr. Grossman), the member for Essex North (Mr. Hayes), the member for Huron-Middlesex (Mr. Riddell), the member for Durham-York (Mr. Stevenson), the member for Northumberland (Mr. Sheppard), the member for Middlesex (Mr. Reyecraft), the member for Kingston and the Islands (Mr. Keyes), the member for Don Mills (Mr. Timbrell), the member for Carleton-Grenville (Mr. Sterling), the member for Victoria-Haliburton (Mr. Eakins), the member for Kent-Elgin (Mr. McGuigan), the member for Elgin (Mr. McNeil), the member for Simcoe East (Mr. McLean), the member for Quinte (Mr. O'Neil), the member for Erie (Mr. Haggerty), the member for Stormont, Dundas and Glengarry (Mr. Villeneuve), the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson), the member for Wentworth (Mr. Dean), the member for Leeds (Mr. Runciman), the member for Frontenac-Addington (Mr. South), the member for Grey (Mr. McKessock), the member for Haldimand-Norfolk (Mr. G. I. Miller), the

member for Chatham-Kent (Mr. Bossy) and the member for Timiskaming (Mr. Ramsay).

## SUNDAY RACING

**Ms. Bryden:** Today I am introducing a private member's bill to ban Sunday racing at Greenwood Race Track on Queen Street East in Toronto. The bill also protects the democratic right of residents affected by racetrack activities to be heard and to have their concerns taken into account by the government-appointed Ontario Racing Commission, which regulates racetracks in Ontario.

Greenwood is the only racetrack in Ontario located in a large, high-density, urban residential area. It has had a long tradition of no Sunday racing since it opened in 1875. Yesterday the Ontario Racing Commission approved the Ontario Jockey Club's request for 52 Sundays of racetrack activities for 1987, including both live racing and intertrack betting.

This will mean racing activity seven days a week for 19 weeks and five or six days a week for the other 33 weeks. The residents will lose their one day of respite from parking traffic congestion, noise and tow-away zoning. They will no longer be able to entertain family and friends on Sundays or have quiet enjoyment of their homes and property on that day.

## SANTA LUCIA DAY

**Mr. Henderson:** I want to take the opportunity to recognize Santa Lucia Day, which is celebrated by the Scandinavian community on December 13 each year. In Sweden, according to the old calendar, December 13 was considered to be the longest night of the year. At this time of year, in the midst of an unforgiving winter, the northern regions of Sweden endure what must seem like eternal darkness. Santa Lucia Day welcomes the returning light. Santa Lucia is the Scandinavian Queen of Lights who brightens the northern darkness with her crown of candles.

In Toronto, a contest is held each year by the Scandinavian-Canadian Club to select the young woman who will represent Santa Lucia. The winner is chosen for her charm, beauty and gentleness. Today the Scandinavian community helps to celebrate Santa Lucia Day here at the Legislature by performing traditional Scandinavian hymns and carols.

This year marks the 26th consecutive year we have held a celebration of Santa Lucia Day here



at Queen's Park. In closing, I would like to thank the Scandinavian-Canadian Club for sharing with us this beautiful light-bringing tradition.

### PROPERTY RIGHTS

**Mr. O'Connor:** On November 27, this Legislature passed a motion put forward by the member for Waterloo North (Mr. Epp) requiring the Canadian government to enshrine property rights in our Constitution. In his statement, the member said his resolution would "...protect property owners against unnecessary or unfair government actions against their property. The amendment protects against unjust infringement of an individual's rights. That is something that Canada has always stood for." The resolution passed 44 to 20.

On Tuesday of this week, I proposed an amendment that would protect the rights of property owners, that being an exemption for condominium owners from the ban on adult-only apartment buildings, an amendment that would allow those property owners the right to enjoy a lifestyle that they had chosen, paid for, earned and that we as legislators should respect. That amendment was defeated by the combined will of the Liberal and New Democratic parties.

I find it somewhat puzzling that the Liberal Party supported the resolution to enshrine property rights, but when put to the absolute test which would see it enshrined in legislation in this province, it failed to do so. Is support for the rights of property owners something this government will accept only when it is not backed up by the force of law?

### SCHOOL BOARD TRUSTEES

**Mr. Allen:** In many important respects, this week represents a changing of the guard for the boards of education and school boards around the province. The separate school trustees, who have for so long inhabited those boards as representatives of the Roman Catholic ratepayers whose children were in the public system, will now be leaving those boards of education. Our party would like to pay special tribute to the role they have played over the years as stewards not only for their own ratepayers but also stewards for public education in general.

When they came on the boards, I think there was some concern about their presence, but one and all functioned as representatives acting for the best interests of public education in general in the province.

Plusieurs de ces conseillers porteront désormais un autre chapeau comme représentants

francophones minoritaires de leur nouveau conseil scolaire de langue française. Ils commencent une nouvelle ère de la gérance de leurs propres écoles et de l'épanouissement de la culture française en Ontario.

In some sections of the province, there are also English-language education councils which will be taking on new responsibilities at this time.

To all the trustees of all the boards that are engaging in their newly restructured responsibilities, we say *bonjour, bonne chance et bons résultats*.

### APPLE PRODUCTION

**Mr. G. I. Miller:** I would like to point out to members of the Legislature that the apples that are on their desks today are compliments of Tom Haskett and Bill Courtneage, apple producers in Vittoria.

The peanuts on the desks of the Leader of the Opposition (Mr. Grossman), the leader of the third party (Mr. Rae) and the Premier (Mr. Peterson) are from the same area.

I would also like to say thank you to the member for Hastings-Peterborough (Mr. Pollock), who gave us the cheese. I think it indicates to all members of the House the good things we grow in Ontario. Christmas is a fitting time to point out to our fellow citizens who live in urban areas the good things we do have. We want to wish them season's greetings and all the best in 1987.

### PAY EQUITY LEGISLATION

**Mr. McLean:** In view of Bill 154, the bill on pay equity that the Attorney General (Mr. Scott) has before the House, I wonder why he has not cleaned up his own front porch before attempting to have his neighbours clean up theirs.

Within the government there is a wide variance of pay levels for persons performing similar functions. Worse than that, to add to this inequity, it appears that the Attorney General's own ministry, the one that put forward this pay equality legislation, is the most guilty of the very discrimination he has brought the bill forward to address. I am surprised that neither his staff nor his New Democratic Party colleague, the member for Ottawa Centre (Ms. Gigantes), has noticed this.

The Attorney General has stated in many words that pay equity will be possible and practical to put into effect. Why can his own office, his own ministry and the other government ministries not get their act together? He is reported as saying that his pay envelope is fixed

by the government. Is he not the government? Can he not change a bad situation and bring equity into his own offices on a fair basis? Let this House see a demonstration from the minister in charge, a demonstration of fairness and credibility.

13:41

## STATEMENTS BY THE MINISTRY AND RESPONSES

### SPECIAL MUNICIPAL GRANT

**Hon. Mr. Nixon:** The Hemlo gold mines are creating welcome jobs and investment in north-western Ontario. This development is placing heavy demands on nearby municipalities, particularly Marathon and Manitouwadge, which face cost pressures associated with providing municipal services to the employees of the mines. These communities do not have the ability to raise needed revenues because the mining operations are outside their boundaries. As a result, they are faced with a need further to increase their debt loads as well as increasing property taxes on existing industries and home owners.

Today I am announcing a special grant of \$500,000 for 1987 to the township of Marathon. This will greatly reduce pressures for mill rate increases next year and allow Marathon to proceed with necessary development. Regarding the impact of the Hemlo development on Manitouwadge, we will be consulting with that community to determine whether it requires special assistance as well.

We will also be working with northern communities, the northern development councils and the resource industries to determine the most appropriate way to expand the revenue base available to northern resource communities so that they will be better able to cope with the impact of resource developments outside their boundaries.

**Mr. Pouliot:** We welcome the feeble attempt by the Treasurer to address the fiscal injustice in Hemlo. Unfortunately, he has missed the boat. While he recognized to some extent the needs of the communities that have to provide essential services at Hemlo, we still have a system whereby we have socialism for the rich gold mines and a true free enterprise system for the poor taxpayers who have to pay for those essential services.

During the past two years, the Liberal government has done rather well at taking our policies; it should do so today. I invite the Treasurer to take one more proposal from the New Democratic Party of Ontario. We have it

here. We are talking about nothing less than a fair system of assessment. We are not asking the Treasurer to impose undue or unfair taxation on the gold mines. We know they provide jobs, but they and he have a problem of distribution; they are paying it to the wrong people.

That impasse, that injustice, that dilemma is recognized for another essential service: education. When it comes to sewers and water and recreation, we do not have the same conciliation from the minister. What is going on? We have the solution. Give us the kind of social justice that will permit and allow the richest people in Canada, in terms of the free enterprise system, finally to pay at least five cents of taxes. We want a style, a method, an approach to bring forward fiscal responsibility and justice for the people of Lake Nipigon.

**Mr. Wildman:** I rise to support my friend the member for Lake Nipigon and to ask the Treasurer why on earth White River is not mentioned, since it is a community affected by the Hemlo development as well.

This is a continuation of the inadequate ad hoc approach of the Tory government in giving money to the municipalities when they come cap in hand. Why does the minister not accept the recommendations of the Association of Mining Municipalities of Ontario, which asked for an expansion of the assessment so its members would have regular funding and not have to beg for it from the provincial government?

**Mr. Harris:** I want to respond briefly to the Treasurer's statement on Marathon. This announcement is a charade; it does not come close to one half of what Marathon calculates is the necessary offset. The government still has no policy in place to deal with these situations throughout northern Ontario. It would prefer to deal with this situation at the last minute.

The statement is far too late for Marathon to be able to plan and far short of what Marathon expected was coming. The government can go through with its benevolent little cheque without having a policy. It is a disgrace. There is no policy in place, and the amount of money is simply not adequate to provide the offsets required.

### ONTARIO PUBLIC SERVICE

**Hon. Mr. Nixon:** I am pleased to announce Strategies for Renewal, which I now table, a new program to revitalize the public service. The program is based on three major commitments by this government: (1) the compensation of the Ontario public service will more closely reflect



the diversity of the Ontario population; (2) government will reflect the best management styles and be responsive to changes in the work place; and (3) recruitment for the public service will be based on planned staffing initiatives which provide equality of opportunity.

These strategies will be achieved in a number of ways, including more open recruiting among the public to attract more people from outside the public service, improved access to jobs among ministries for current civil servants and equity programs to provide fair and equal opportunity.

Fundamental to the success of this initiative will be increased turnover to provide flexibility. To accelerate this, a program of voluntary exit options will be introduced effective April 1987.

I have outlined the components of the program and I refer members to the brochure I am tabling today.

**Mr. Harris:** I will take a brief moment to respond to the Treasurer's statement today on the Strategies for Renewal program.

I note the Treasurer stated: "Fundamental to the success of this initiative will be increased turnover to provide flexibility. To accelerate this, a program of voluntary exit options will be introduced effective April 1987."

I will be interested to see whether those voluntary exit options are similar to the type of voluntary exit options faced by the Clerk of the Legislature, Kirk Foley and the president of the Ontario Advisory Council on Multiculturalism and Citizenship.

If this government would spend less money and time on printing glossy brochures on all the things it is going to do and would carry on and do some of the programs that should be done on an ongoing basis, we would be a lot better off.

#### ANNUAL REPORT, OFFICE OF THE PROVINCIAL AUDITOR

**Hon. Mr. Eakins:** In keeping with the government's commitment to openness and accountability to the people of Ontario, I am pleased to join with my cabinet colleagues to report to the House on my ministry's response to the Provincial Auditor's report.

In general, the auditor found that my ministry's financial controls and grant expenditures in its accounts payable system were operating adequately and satisfactorily.

Since June 1985, my ministry has followed a rigid agenda aimed at realizing the full and tremendous potential of tourism and recreation. That is why we have acted immediately to correct those areas identified by the auditor as needing

improvement. We received the report on September 30, 1986. By October 16, we outlined to the Provincial Auditor what we proposed to do. Today I am pleased to describe briefly some of the initiatives we have already put into place and others we are actively planning.

In his review of my ministry's operations, the auditor's primary concern was with the management processes and procedures related to the ongoing monitoring of the projects and the activities we fund.

With regard to recreation grants, he expressed concern about the monitoring of grants to ensure that all funds were being used according to the grants' terms and conditions. Other issues included our duplication of efforts in controlling grant payments, the incomplete documentation of expenditures by clients and the occasional lack of tendering by grant recipients.

These are not new problems. I was surprised to see that many of these comments were made in the auditor's report in 1983, and I can only wonder why the previous government did not take corrective action.

We have begun to take corrective action, however. Files have been reopened and reviewed. Current projects are being monitored closely to ensure they meet the terms and conditions of grants, including tendering and purchasing procedures. In fact, new, stricter guidelines on tendering procedures were implemented months ago, even before the auditor expressed his concern to my ministry.

With regard to sports and fitness grants, the auditor detailed similar activities needing improvement. We have taken immediate steps to improve our control in these areas. Specific instances raised by the auditor regarding clients who may have received ineligible funding are being reviewed, and recoveries will be made where appropriate. We are also currently developing a set of new funding guidelines for amateur sports bodies.

The examples I have just given are from specific program areas, but I emphasize that our plans for corrective action extend beyond that. Our initiatives are directed towards improving our operational and management controls of all my ministry's grants programs.

The role of our regional offices in the monitoring process has been clarified. New monitoring and reporting procedures have been developed and will be implemented shortly.

In addition, the capacity of our computerized grants administration system is currently being expanded. For the longer term, we are finalizing



an information systems strategy. This will avoid duplication in controls and provide valuable data to regional staff as they administer their files.

The changing nature of the job being done by our sports consultants demands additional skills, particularly in the area of financial management and control. While their prime role will remain in organizational and leadership development, my ministry agrees that the consultants must be trained to scrutinize more closely the financial statements of client organizations. Also, this will now be incorporated into job requirements.

Financial and operational reviews of sports governing bodies will be undertaken in 1987, where necessary, to assist those organizations in improving their internal controls.

In conclusion, I point out that in April 1986 my ministry, in following this government's desire to give better value for the taxpayers' money, established its own audit services branch. We had previously shared these services with another ministry.

Our newly developed multi-year audit plan recognized the importance of the ministry's transfer payments, and a substantial amount of audit time will be devoted to these areas in the next year.

I began these remarks by referring to my ministry's new agenda. Our response to the auditor's report is part of that agenda. Problems were identified, and we have moved quickly to solve them, as we did last year with respect to lottery distributorships and Ontario Place passes, for example.

Our response today is a sincere reflection of the ongoing initiatives in my ministry to give better value for the public's money. It also reflects my ministry's fundamental goal to make the tourism and recreation systems in Ontario the best they can possibly be.

**Mr. Rowe:** In response to the minister's statement regarding the Provincial Auditor's report, it amazes me why the minister seems surprised. He has been there for 18 months and he now is finding out and telling us what a great job he is doing.

It is not ineligible funding that we on this side worry about; it is the lack of funding to those eligible that bothers us. Church groups and athletic associations that should be receiving funding assistance are being turned down. Programs are announced by his ministry late in the year, and then there is little or no funding in place to cover the programs.

I note with interest his statement on Ontario Place passes. For the first time in history, they

now are controlled completely by political office, his office, where they were not before.

#### DOWNSVIEW REHABILITATION CENTRE

**Hon. Mr. Wrye:** I know the statements are just arriving. They should be here momentarily.

**Mr. McClellan:** Sit down until they get here.

**Mr. Martel:** Are you going to do something? Another study?

**Hon. Mr. Wrye:** It is so nice to see my friend the member for Sudbury East (Mr. Martel) here.

Interjections.

**Hon. Mr. Wrye:** The ink is drying. They are coming now, if I might begin. The pages are distributing them even as I begin speaking.

**Mr. Speaker:** The minister will proceed.

**Hon. Mr. Wrye:** I rise to report to the Legislative Assembly on a matter I take very seriously, namely, the recent allegations of mismanagement, and perhaps even criminal activity, at the Workers' Compensation Board's medical rehabilitation centre at Downsview.

As members know, these allegations were made on Tuesday by Wally Majesky and Maria Minna, the co-chairs of the Ontario task force on the vocational rehabilitation services of the Workers' Compensation Board. The co-chairs expressed their concerns after a round of task force hearings throughout the province.

I would like to inform members that I met early today with both the task force and the management of the Workers' Compensation Board to review matters and determine a course of appropriate action.

In that connection, I have several announcements to make.

First, the office of the worker adviser will open an office at the Downsview facility as soon as is practical. This means patients will have access, right at the hospital, to people who can provide expert assistance in dealing with their concerns.

Second, Dr. Robert Elgie, the chairman of the WCB, has asked the police to conduct an investigation. Dr. Elgie has been in contact with Chief Jack Marks of the Metropolitan Toronto Police force, and the investigation has begun.

Third, I wish to announce that I am appointing a five-member external review team to investigate and examine a number of matters connected with the Downsview centre. The chairman will be Vickery Stoughton, president of the Toronto Hospital, which is the amalgamation of Toronto General Hospital and Toronto Western Hospital. Members are Dr. Ralph Garber, dean of the school of social work at the University of

Toronto; Angelo Persichilli, news director of Toronto's multicultural television station, CFMT, from the vocational rehabilitation task force; Edward Thornton of King City, administrator-director of the training and rehabilitation trust fund of the Labourers' International Union of North America, Local 183; and John D. Corrigan of Coniston, senior claims administrator and rehabilitation co-ordinator for the Ontario division of Inco Ltd.

I am asking the team to conduct a general review of the role of the Downsview rehabilitation centre, its administration, programs and systems for protecting patients' rights. I will be announcing its specific terms of reference shortly.

Finally, members may recall that several months ago I first suggested a broad external review of the Downsview rehabilitation hospital might be in order. This was at the time the WCB initiated an internal inquiry into specific allegations made by members of the Canadian Auto Workers union in Windsor. I am now making that report public.

**Mr. Gillies:** The announcement made by the Minister of Labour would seem to indicate that after months of winding down, the ministry has ground to a complete halt in its ability to deal with the problems of Workers' Compensation Board rehabilitation services.

In effect, what the minister has announced today is that the report put out by Dr. Kummel appears to necessitate an inquiry into the inquiry. As we see layers of inquiries, police investigations and similar studies being piled up upon each other, the minister has failed to deal with the main question.

The question is this: should the injured workers of this province, while these matters are hanging over the head of the Downsview hospital and its officials, have any confidence in that institution, and should they be required to continue to seek services there? That is the question the minister should have answered. I believe in his heart of hearts he would have known the answer is no.

Until this matter is cleared up, as an interim measure at least, the government should be allowing patients to seek services they require at hospitals in their local communities from doctors with whom they are familiar and in whom they have confidence.

I am not saying the minister should not appoint another five-man panel. This government's reaction to just about everything is to appoint

another inquiry. How can the minister allow this matter to go on in the interim?

My understanding is that the minister indicated to reporters after question period yesterday that he does not have a lot of confidence in the charges that workers are making at this time; he believes they may be open to question. On balance, I have to say that when we have the number and type of complaints we are getting from injured workers throughout the province, we have to attach a lot of credibility to those complaints.

The minister should let the injured workers go somewhere they have confidence in the services and treatment they will be getting. He should clear up this mess. As my colleague the member for Cochrane South (Mr. Pope) suggested in the House yesterday, the time has long passed when the minister has to move towards decentralizing the assessment and rehabilitation services of the board and doing something about that rats' nest the minister appears to have in Downsview.

**Mr. McClellan:** Thanks to, I must say, the most inadequate Minister of Labour I can recall in my time in this House, we now have the most extraordinary situation of three separate task forces commissioned by the same Minister of Labour on the same problem, the problem of the Downsview rehabilitation centre of the Workers' Compensation Board.

The first task force report, which was appropriately issued in a white cover, was conducted by none other than the director of the hospital himself into allegations against his own facility. To nobody's surprise, he found the allegations were unsubstantiated. The same day that the whitewash report is tabled in the House, the minister stands in his place and indicates a police investigation will be initiated into the affairs of the Downsview rehabilitation centre.

At the same time, the minister refuses to change the terms of reference of his own task force on vocational rehabilitation, which has asked for a mandate to investigate the Downsview rehabilitation centre. Instead, he says the allegations of the task force headed by Wally Majesky and Maria Minna are untrue. He said that yesterday in interviews in the scrum. On television, he said the allegations were untrue. The executive assistant to the chairman of the Workers' Compensation Board said the allegations were untrue.

He has attacked his second task force, headed by Majesky and Minna, and at the same time he has commissioned a third task force composed of five new people to study the Downsview



rehabilitation centre. I suppose, if we include the police investigation, we have a fourth task force under way into the affairs of matters under the jurisdiction of this Minister of Labour.

The reality is that this is the most pathetic performance I have witnessed in this portfolio since 1975. If the minister is unable to deal with his responsibilities, he should ask to be relieved from those onerous duties.

### SECURITIES INDUSTRY

**Hon. Mr. Kwinter:** I wish to make a statement in my capacity as Minister of Financial Institutions regarding the government's intention to strengthen provisions governing illegal trading on insider information.

In this connection, existing penalties in the Securities Act are a maximum of \$2,000 for an individual and \$25,000 for corporations. There is no prohibition against trading by a tippee.

As members know, a tipper is an insider who, by virtue of being a corporate director, officer, employee, professional or business consultant, has insider information. A tippee is a person who receives information from an inside source.

I will be proposing an amendment to Bill 156, An Act to amend the Securities Act, which is currently before the House.

What I will be bringing forward during second reading of Bill 156 are the following measures: to make trading by a tippee an offence, giving rise to both criminal and civil sanctions; to expand the group of persons who are prohibited from trading and tipping to include persons who learn that a takeover bid is about to take place from a person connected with the offerer such as an offerer's lawyer, accountant, fiscal agent or printer, and employees of the issuer and persons closely connected with the issuer; to increase the fines for offences under the Securities Act to a maximum of \$1 million and/or two years in jail; to establish a minimum fine for insider trading in violation of the act equal to the profit incurred by the insider, with a maximum fine of the greater of \$1 million or three times the profit.

Obviously, the principle we have in mind is that everyone trading in the securities market should have equal access to information.

### USE OF TIME IN QUESTION PERIOD

**Mr. Cousens:** Mr. Speaker, I rise on a point of order that arises from yesterday's discussions following question period, when the member for Essex South (Mr. Mancini) rose in his fullness and asked a question of the acting Solicitor

General (Mr. Scott) rather than just going over and talking to the minister.

There are two things I would like to have confirmed by the Speaker before we get into question period. If the minister is asked a question before question period expires and does not complete answering the question, will you allow that time to be extended so the question at least can be asked and completed within the time of question period?

Failing that, are you changing the rules of the House so that in the future when a question is asked, if there is no time to answer it, it will be answered outside the House, inside the House or outside of question period?

**Mr. Speaker:** Very simply, 60 minutes are allotted for questions and responses. If a member asks a question and completes that question prior to the time question period expires and if the members allow the minister to respond while the clock has still not passed that 60-minute limit, I will allow the minister to respond.

**Mr. Cousens:** Mr. Speaker—

**Mr. Speaker:** Order. You asked for clarification. I hope you will give me time.

If the minister desires to answer that question after the time has elapsed and makes that request, I am certain the chair and the members in the House will allow the minister to answer. That is my response. I hope that has clarified it for you.

14:07

### ORAL QUESTIONS

#### IDEA CORP.

**Mr. Grossman:** My question is for the Premier. It relates to the very important question of responsibility to the public by the Premier for the activities and behaviour of his administration and the propriety of certain things that appear to have gone on.

I want to tell the Premier we discovered this morning that the Ontario Provincial Police have been called in to investigate the Wyda Systems circumstances. The standing committee on public accounts subsequently voted this morning to have a judicial inquiry into all the circumstances surrounding all the things that have happened with regard to the grants given to Wyda by the government.

In view of the OPP investigation, the various serious allegations, the fact that the Premier has a responsibility to set certain standards and the fact that the public accounts committee has asked him to appoint a judicial inquiry, is he today willing to appoint such an inquiry?



**Hon. Mr. Peterson:** I am like my honourable colleague. I believe we should get to the bottom of all these matters. It is not just Wyda; it is Spectrum-LSI as well and the relationship between those two companies and grants that were given.

**Mr. Pope:** No, it is not.

**Hon. Mr. Peterson:** It is. The police have been into Spectrum. The member knows the relationship of the individuals. I am sure he knows the facts even better than I do.

It is my view that we should get to the bottom of this matter very quickly. Two things are going on concurrently. At the request of the Ontario Development Corp., there is a court-appointed receiver, and a forensic audit has been instituted. In other words, officials of the court are looking at those two situations at this very moment. In addition, the police are looking into any alleged impropriety. It is my view that this is the quickest way to get to the bottom of the situation immediately.

**Mr. Grossman:** First, I do not know more about these facts than the Premier does. That he does not have control of many of the facts either reinforces the importance of saying to the public that he will put out for total public inspection and inquiry all the circumstances that happened. I also remind the Premier that the question here is not only whether a group of receivers is going to be there and recover some money, it is not only a question of finding out where the technology is now, but the question the public accounts committee and, with respect, the public is also concerned about—

**Mr. Speaker:** Is this your question?

**Mr. Grossman:** —relates to maladministration by his government and knowing who influenced what in what is turning out to be a serious problem.

Given that the director of ODC said to the public accounts committee this morning that the matters under scrutiny include, and I use the words he used, potential fraud, misrepresentation and possible breaches of the Income Tax Act, does the Premier not agree that when such serious words are used by his employee, it is important that the public know exactly what went on in the administration of his government and that a judicial inquiry ought to be called right away?

**Hon. Mr. Peterson:** I absolutely agree with my honourable friend that all these facts should be made public. The question then is how to do that. I have described to the Leader of the

Opposition what is going on; at the moment, I gather there is some suggestion in the things that were mentioned by Mr. MacKinnon, the chief executive officer of ODC. There will be thorough and absolute scrutiny of every detail. The important thing is to get those facts out and to get them out quickly for all to see.

If there is maladministration, it should be rooted out. If there is fraud, it should be rooted out. Whatever the suggestions are, any proof should be shared with everyone. I share my honourable friend's view in that regard. The question is how to do it very quickly and, at the same time, recover any assets for the benefit of the taxpayers. I believe all those things are being done expeditiously.

**Mr. Grossman:** With respect, I suggest there are two issues, not only how to do it and how quickly it is done, but also how thoroughly that is done. There have been several attempts by committees of this Legislature to get to the facts. Every time that happens more information comes out, so it is a question of how thoroughly it comes out.

I remind the Premier that he now has the circumstance where one of his ministers refused a forensic audit of the corporation as long ago as last August, when some of this might have been averted. He has a self-described "Liberal Party hack," who got \$30,000 of the money for having a lunch and lobbying on behalf of the firm. He has the husband of a former cabinet minister who was clearly involved and perhaps got at least \$16,000 out of the government grant. He has an Attorney General (Mr. Scott) who met with all those players prior to the investigation by the public accounts committee into all these matters.

**Mr. Speaker:** The question?

**Mr. Grossman:** He has a former law partner of the Attorney General representing the Liberal caucus in trying to assist in organizing the evidence given to the public accounts committee. Therefore, does the Premier not agree that to have an honest, open and thorough investigation and analysis of what happened in this circumstance, the only option he has left, given the involvement of his minister, a former minister, a self-described Liberal Party hack fund-raiser and his Attorney General, is to have a judicial inquiry?

**Hon. Mr. Peterson:** My honourable friend is getting rather carried away in the circumstances. If he has a suggestion that the police are not thorough or objective, he should stand up and say so. If he has a suggestion that the court-appointed

receiver is not thorough, honest or objective, he should stand up and say so.

This government has nothing to hide. It referred the matter to committees of this House. There have been very long discussions on it, and the committee can discuss it any time it wants to. We are very happy to share the information, but the member and some of his colleagues have been making allegations. We invite them to prove those. We invite them to call the people before the House. We are very happy to share the information. The member and some of his colleagues have been making allegations and we invite him to prove them. We invite him to call the people before the House. We will be very happy to share all the facts with him. There is no suggestion we are not. The question is how to deal with it expeditiously and quickly. I think the police should be allowed to do their job.

**Mr. Grossman:** I have another question for the Premier. Does he not understand that every one of the allegations raised by my colleague, which he calls sleazy and unfair, have so far been substantiated? We have worked hard and long to pry information out of the government, which we had a tough time doing. Every one of those allegations has been proved correct so far.

The circumstance we are facing is not whether the OPP will do a thorough criminal investigation and it has nothing to do with whether the audit being done by Peat Marwick will turn up what happened in terms of the flow of funds. The judicial inquiry is necessary to determine finally how much involvement the Premier, the government, members of his office and members of the Liberal Party had with regard to all the things that happened in terms of maladministration in allowing this grant.

**Mr. Speaker:** The question is?

**Mr. Grossman:** That is the judicial inquiry that is needed. It has nothing to do with all the other things that have been brought out.

**Mr. Speaker:** The question is?

**Mr. Grossman:** Every time this goes a step farther, another minister, another member of that party, seems to be involved.

**Mr. Speaker:** Question?

**Mr. Grossman:** Given all that involvement, does the Premier not understand the difference between the investigations that are going on now and the need to say to the public that this grant, which may result in criminal charges, needs to be investigated in terms of the involvement of his administration in that grant?

**Hon. Mr. Peterson:** I described to the honourable member the relationship between Spectrum and Wyda and the various people who were involved. It has been going on for a long period of time. I believe the member, as the former minister, was involved specifically in that matter. I have no problem with the member's relationship coming out. I am very happy to have all these facts come out for everyone to know. The question is how to do it.

If a committee of this House—it has gone through a couple of reports—or the police or the court-appointed receiver cannot get the facts, I do not rule out a judicial inquiry. The important thing is to move expeditiously and immediately.

Interjections.

**Mr. Speaker:** Perhaps the members will give the member for Cochrane South the opportunity to ask a supplementary question.

**Mr. Pope:** It was the opposition parties in this Legislature that forced the Premier to refer this matter to the public accounts committee. The Premier and Mr. Carman refused to provide documents to the public accounts committee that they said were subject to executive privilege. The Minister of Industry, Trade and Technology (Mr. O'Neil) and his officials refused our request for a forensic audit, which we called for in August. He then claimed he would do an audit on his own, and it turned out to be a financial review, not an audit.

We now have a receiver appointed only for Wyda, and for no other person or company involved in this whole thing. We have an audit going on only into Wyda. In August, we called for a forensic audit of the affairs of Avi Dobzinski personally, Wilf Caplan, Damaza, Ivan Fleischmann and Canadian Intercorp. We still have no action from the Minister of Industry, Trade and Technology with respect to that request.

**Mr. Speaker:** Question, please.

**Mr. Pope:** Why will the Premier not allow us to have a judicial inquiry into everything, including any insinuations he may want to make to the Leader of the Opposition (Mr. Grossman)?

**Hon. Mr. Peterson:** What does "into everything" mean? I believe all the facts should come out. My recollection of the facts is that when this allegation was raised in the House some time ago, it was this government that said to refer it to the public accounts committee. As I recall, we had to force the issue for the public accounts committee to look at the situation.



We have absolutely no secrets over here at all. I believe it should all be there for everyone to see. If mistakes were made, those who were incompetent or made mistakes have to be punished. The committee has investigated for a long period of time. There have been a couple of reports on it and lots of debate. They are welcome to continue that. I have no problem with that.

**14:20**

**Mr. Pope:** The Premier can engage in whatever selective revisionism he wants. The fact is that we are talking about such things as commercial fraud, misrepresentation and potential breaches of the Income Tax Act. We are not just talking about Wyda, but about the whole array of individuals who were involved in this. It is far broader than anything the Minister of Industry, Trade and Technology is willing to do.

Given the whole history of this matter and the attempts of the public accounts committee in the past six months, surely to goodness the Premier can stand up right now and say: "You are right. It is time to have an immediate judicial inquiry into the whole Wyda matter." Why does he not do that?

**Hon. Mr. Peterson:** As I said to the member, that is not something I rule out. We have to look at the best way we can to get to the facts and circumstances quickly. He has a number of suggestions and allegations he wants to cast against certain people. We referred this to the committee, and he had every opportunity to summon anyone he wanted to ask questions. With his great powers of advocacy and cross-examination, it was all there for him to do.

The government co-operated in every way. As a matter of fact, as I recall the history, we suggested that approach. All the facts have to come out. We think this is an expeditious way to move on the situation. If there are any issues the member is not happy about, I invite him to call those people before the public accounts committee, to get the advice of the ODC, the accountant and/or the police in that matter. He has the right to look at these matters and make any inquiries he wants.

The member is no doubt aware that there is some suggestion of scientific research tax credit manipulation, and there are other suggestions. All that is going to be looked into by the police and the auditor and all that information will be shared with the member.

**Mr. Speaker:** New question.

**Mr. Philip:** My question is to the Premier. From the evidence given in the public accounts

committee today, it is fairly clear there are police investigations into the three matters concerned with Wyda: the possibility of fraud, income tax evasion and violations of the Business Practices Act.

Does the Premier think those matters should be studied by the public accounts committee? Could they not be studied more expeditiously and more evenly by a judicial inquiry? That is what we have called for. Why does the Premier not agree to a judicial inquiry?

**Hon. Mr. Peterson:** I just dealt with that in the previous six questions, but I will deal with these matters again for my honourable friend. I think they are best dealt with by the police, and the police are looking into exactly those matters. I have faith in the police. They should be allowed to do their job. The member had his go at the whole matter. As I recall, the member was not happy with his first interpretation, so he put another interpretation on it. Maybe he wants to put a third or fourth on it. Go ahead.

**Mr. Philip:** We were happy with our interpretation. We were not happy with the interpretation leaked by the Office of the Premier. That is what we were not happy with.

It is fairly clear we have a serious matter of \$3.7 million which has disappeared and has been used for purposes that were clearly not intended when the IDEA Corp. was set up. It is fairly clear that there was political influence in some manner and tinkering with the system. If the Premier has nothing to hide, why does he not agree to a full judicial inquiry into this matter?

**Hon. Mr. Peterson:** My honourable friend likes to stand up in this House and make a bunch of unsubstantiated allegations, and he is entitled to do that.

That is what the police are there for. The member will have an opportunity to look at all the facts and then he can draw his own conclusions. Sometimes people get loose-tongued about charges that are made. I have heard of many instances when my friends opposite have had to apologize and retract some wild things they have said on occasion. This will give the member an opportunity to have the facts, and in his usual fair-minded way he can form a judgement thereon.

**Mr. Philip:** Will the Premier not agree that it is fairly clear that Wyda Corp. and its representatives, those present at that last presentation to IDEA Corp., made gross misrepresentations? Is that not in itself a justification for a judicial inquiry, considering the principals involved?



**Hon. Mr. Peterson:** My friend is getting rather repetitive, and as a result of that, I have to get rather repetitive too. He has just made a prima facie allegation and surely that is a matter for the police. We will be very happy to share that with the member.

### TRITIUM REMOVAL

**Mr. Rae:** I have a question to the Minister of Natural Resources about radioactive water.

**Mr. Cousens:** Change the subject.

**Mr. Rae:** The member may not think the transportation of radioactive water is a problem in Ontario, but we do.

Can the Minister of Natural Resources explain why there has as yet been no public hearing or public inquiry of any kind dealing with the transportation of tritium-contaminated water from Bruce and Pickering? Why has there been no public inquiry of any kind when these shipments are supposed to start as early as this month?

**Hon. Mr. Kerrio:** I am sure the leader of the third party understands that there is another player involved here. The containers and the safety of the device transporting heavy water which contains tritium—to have it removed—involve the federal government.

I am not sure that it should go beyond that or that there should be any kind of an inquiry. We are talking about low-level radioactive material. It will be done in a way that will not jeopardize anyone's safety as it relates to the containers the material will be in and the low levels of radioactivity.

**Mr. Rae:** The minister has just contradicted himself in his own answer, and I congratulate him for having done that. First he says it is not in his jurisdiction to deal with the problem and, second, he says there is no problem. He should make up his mind. If indeed there is radioactive, tritium-contaminated water being transported through town after town, from the Bruce Peninsula all the way to Darlington, is the minister seriously standing in his place today and saying that the government of Ontario has no jurisdiction to protect the citizens living on those highways and byways?

Is he seriously standing in his place and saying he has no authority to order any kind of an inquiry or public discussion about the safety of those citizens who are going to be affected by trucks passing by their homes day and night?

**Hon. Mr. Kerrio:** I did not say that at all; the member did.

I am not saying there is not some danger. I said there are low levels of radioactive material. The material is being transported, to take the tritium out for the safety of the workers at our Candu reactors. I think that has to be done and should be done. We are going to do it in Ontario within the safety of the Transportation of Dangerous Goods Act. The federal government plays a very important role in designing the containers and being sure the material is moved safely. That is what I said.

**Mrs. Grier:** When I asked a similar question of the minister some months ago, he allowed that he had a number of options. Transportation was the first. Allowing the tritiated water to stay there and decay was the second. I would like to ask the minister about the third.

Why is the minister even contemplating transporting this tritium around the province? Why is he not prepared to build tritium removal plants at Bruce and at Pickering, as he has done at Darlington?

**Hon. Mr. Kerrio:** It is simply because what we are talking about is tritium being considerably more radioactive than heavy water. They are absolutely two different things. To have the tritium removed at one site is considerably different from moving the tritium around.

Interjections.

**Mr. Speaker:** Order. That question and response have been completed.

### IDEA CORP.

**Mr. Gillies:** I have another question of the Premier on the Wyda matter. I am disgusted to hear the Premier revert to his original defence of June 10, talking about unsubstantiated charges in the Wyda matter. I remind the Premier that \$3.5 million of the public's money is jeopardized in this affair and that a committee report unanimously found that the nature of this investment was changed at a meeting of IDEA officials, Mr. Caplan and Mr. Dobzinski.

I remind the Premier that the principal of the company has skipped the country. I remind the Premier that the Ontario Provincial Police are now talking about commercial fraud, breaches of the Income Tax Act and overvaluation of assets.

Does the Premier really believe the charges I made on June 10 are unsubstantiated or will he admit now that his government has fiddled while millions of public dollars burned and that a public inquiry is more than called for in this matter?

14:30

**Hon. Mr. Peterson:** I am not in a position to help my honourable friend any more than I helped his leader or the member for Etobicoke (Mr. Philip). The police are there. I have faith in the police investigating these matters. If he has anything he would like to refer to them to look at, on his behalf I would be very happy to make any suggestions he has and share the information with him. There is no problem.

**Mr. Gillies:** The nature of the inquiry in this matter becomes very important. The Premier cannot have officials of his government investigating a mishandling of a matter by his government. He cannot have officials of the Ontario Development Corp. gathering information when there has been mishandling of this matter by the OCD. We cannot have the Attorney General (Mr. Scott), who attended meetings that resulted in the assembling of evidence for this inquiry, involved in this. The Premier has to go outside.

When will the Premier end the stonewalling and call a public inquiry into this tawdry mess?

**Hon. Mr. Peterson:** There is no stonewalling at all.

**Mr. Stevenson:** You are sitting on a dung heap. Let us open it up and find out what is involved.

**Hon. Mr. Peterson:** It is opened up and it is all there.

I think the honourable member made one of the most outrageous propositions I have ever heard in this House. He said he does not have faith in the OPP to be objective and go into this matter.

**Mr. Gillies:** That is not what I said.

**Hon. Mr. Peterson:** That is what he said. If my honourable friend would want to think carefully about some of the allegations he makes about the independence or the ability of the OPP, particularly as a former minister of the crown, albeit somewhat briefly, the honourable member would want to retract that and stand up and say that we do have faith in the objectivity and the ability of the OPP, just as they investigate many other matters that involve members of Parliament. They are an independent group and so they should be. I have faith in their ability to get all the facts out.

**Mr. Gillies:** On a point of privilege, Mr. Speaker: I would invite the Premier—I do not know how long his memory is; I would have thought it would extend back 60 seconds—to point out to me where I said I did not have faith in the OPP. I said I did not have faith in the ability of

officials of his government to investigate a mess for which they are responsible.

**Mr. Speaker:** That is not a point of privilege. Order.

**Mr. Harris:** On a point of order, Mr. Speaker: I fail to understand your ruling that it is not a point of privilege. Perhaps you could explain it to me. When one member of the Legislature alludes to something another member said that is totally false, as the Premier did, surely it is a point of privilege to correct that?

**Mr. Speaker:** I will check Hansard. I distinctly heard the member say, "I invite the Premier to tell me where I said that."

**Mr. Grossman:** It was a point of privilege.

**Mr. Speaker:** Order.

**Mr. Gillies:** Mr. Speaker, on a point of privilege—

**Mr. Speaker:** No. Order.

Interjections.

**Mr. Speaker:** Order. I honestly wish the members would take a look at the standing orders and find out what the difference is between a point of order and a point of privilege.

Interjections.

**Mr. Speaker:** What the member stood on is not a point of privilege.

**Mr. Gillies:** Mr. Speaker, on a point of order: I really feel this is very important. Perhaps you could guide me and other members of the assembly. When a member of this assembly, in this case the Premier of the province, makes an accusation that is false about something a member said in this House, under what standing order should I stand and invite that member of the assembly to correct the record, rather than leave a lie on the floor of the House?

Interjections.

**Mr. Speaker:** Order. I think we should take a little time to calm down. I remind the member that there have been many occasions when there have been disagreements about facts in this House. Members have the right to stand up and disagree with that, and they have on many occasions. Members have the right to stand up and correct their own records but not to correct the record of anyone else.

**Mr. Harris:** Even when somebody else lies about you, you cannot do that? I do not understand, Mr. Speaker, I am sorry.

**Mr. Speaker:** Order. I really wish the member for Nipissing would stay calm.

**Mr. McClellan:** On a point of order, Mr. Speaker: I wish to participate in this discussion. In another parliament I recall the Attorney General of the day making exactly the same imputation against a member of the opposition, that he somehow lacked respect for the police because he disagreed with the position of the Attorney General. The then Speaker, the member for Peterborough (Mr. Turner), ruled it was a matter of privilege and forced the Attorney General to withdraw the remark.

I think this is a matter of privilege. I do not think this is consistent with the rules of conduct for debate, and I think it would be appropriate for you, sir, to ask the Premier to withdraw his remark.

**Hon. Mr. Nixon:** Mr. Speaker, since we are going to spend some time discussing this, I point out to you that the member for Brantford (Mr. Gillies) indicated he had no confidence in the officials of the government investigating a matter associated with the government. The Premier said the police are investigating it. If you fit that together, you can see there is rationale on both sides.

**Mr. Speaker:** Order. We are getting into a debate and we are missing a lot of time for questions. The member for York South on this point.

**Mr. Rae:** Mr. Speaker, on the same point, with great respect, there is a difference between an argument between members with respect to things that have or have not been said or views that are or are not held. That is not in question.

What is in question is a statement by the Premier with respect to the lack of faith of a member of this House in the administration of justice in this province. If the statement was made outside the House, it would be taken very seriously indeed by any member against whom the accusation was made.

In the light of the nature of the accusation that has been made by the Premier, I think we are all entitled to a clear statement from him with respect to his inference about the views of another member. It is not simply a question of arguing about what was or was not said; it is a question of whether it is a fair comment for one member to make about another, that the other member does not have faith in the administration of justice in the province.

**Mr. Speaker:** Order. I do not believe it is up to the Speaker to decide what is true and what is not true. It is up to the Speaker to decide whether it is a point of privilege or a point of order. After all this lengthy discussion, I will be glad to look

at Hansard and I will certainly report back to the House.

**14:40**

#### PREMIER'S REMARK

**Mr. Shymko:** On a different point of privilege, Mr. Speaker—

**Mr. Speaker:** Order.

**Mr. Shymko:** It is a different personal privilege, a different point of privilege.

Interjections.

**Mr. Shymko:** With respect, it is a point of personal privilege.

**Mr. Speaker:** We have points of privilege and we have points of personal explanation. Which is it?

**Mr. Shymko:** It is a point of privilege on which I rise.

Yesterday a racist remark was labelled against me. I would like to send the Premier a copy of Hansard and I would like to read the reference.

**Mr. Speaker:** Order. Will the member wait until the end of question period? That is the usual procedure.

**Mr. Shymko:** I understand I can rise on a point of personal privilege at any time, according to the standing orders.

**Mr. Speaker:** If the member wishes—

**Mr. Shymko:** Yes, that is my wish.

**Mr. Speaker:** —to waste the time of the members, that is fine.

**Mr. Shymko:** Yesterday I was called Ivan the Terrible. To quote the words of the Premier, he said, "My friend opposite, Ivan the Terrible."

I find this an ethnic slur. More, I find it a racist remark because of my Slavic origin. I am of Ukrainian background. Ivan the Terrible is known in history as the most brutal, sadistic murderer in the history not only of the Czarist empire but also in world history. The term "Ivan the Terrible" has been used for individuals such as the one who has been accused as a war criminal in murdering millions of people in the Treblinka Nazi concentration camp, and who is being tried today in Jerusalem.

I demand a retraction.

Interjections.

**Mr. Speaker:** Order. It is not a point of privilege.

**Hon. Mr. Peterson:** I apologize. It is a term of endearment and affection for the member that is commonly shared by members of the House,



but if the member is offended in any way, I will withdraw it.

**Mr. Martel:** You should add at least 10 minutes on to question period, Mr. Speaker, since they have destroyed it all.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question of the Minister of Labour regarding the courthouse in London and the complete distortion of facts by the Ministry of Government Services. The minister will be aware that renovations started on June 8 without notification to the contractor, his employees, the employees of the building and the public that asbestos was present in the building. No precautions were taken to protect these people, despite the fact that MGS was fully aware of a 1980 report concerning asbestos in the building, and the new regulations were passed in March 1986 regarding asbestos.

Given that a stop-work order was put in effect on June 12, can the minister tell me why the district manager of MGS blatantly violated the order and instructed the contractor to resume work on June 17 while the Minister of Labour's order was in effect? Does he intend to prosecute the Ministry of Government Services?

**Hon. Mr. Wrye:** Most of the information the honourable gentleman put in his preamble is several months old. The only real question is what will be the appropriate disposition of this matter in terms of a decision to prosecute or not. I do not have the answer to that. I do not know whether a prosecution has been launched. I will check for the gentleman and inform him of the status of that matter.

In fairness, I should indicate that decisions to prosecute in this government and in this province are not made by the government of the day, to remove them from political tarnish. They are made by ministry bureaucrats, the senior officials of the ministry, and by officials of the ministry's legal branch.

**Mr. Martel:** The minister may say these facts were known for some time. I have managed to get my hands only on the three various reports, one by MGS, one by his ministry and one by Trevor Harris and Associates. Can the minister explain to me the following discrepancies?

In the Ministry of Government Services report, why did they say they were going to remove two to three square feet of asbestos when, on one floor alone, 1,500 to 2,000 square feet were removed? Why did the Ministry of Government Services say there was 0.1 per cent of asbestos in its report when the minister's

report says there was five to 25 per cent? Finally, why is it that MGS, according to the Ministry of Labour's doctor, took his statement out of context and said there would be no health hazard? Dr. Sullivan said there would be a health hazard if the material was moved.

What is the minister going to do to put all these facts on the table and conduct an inquiry—

**Mr. Speaker:** Order. The question has been asked. The minister.

**Hon. Mr. Wrye:** The unfortunate thing for the honourable member is that the acting Minister of Government Services (Mr. Conway) is not here today. As I heard the question, it might more properly be put to the acting Minister of Government Services. Obviously, the member has the views of the Ministry of Labour. Should there be a prosecution, these matters might be raised in the prosecution. I know there are some differences between the two ministries and we will simply let those differences exist. They may lead to matters in the future, so I am not willing to get into them any further.

#### PROPERTY RIGHTS

**Mr. Epp:** I have a question for the Attorney General. The minister is aware, as we were reminded in the House today, that my resolution on the inclusion of private property rights in the Canadian Constitution was passed here by a vote of 44 to 20 two weeks ago. Given that British Columbia, New Brunswick and the Yukon Territory have passed similar resolutions, will the Attorney General indicate to the Legislature whether attorneys general across the country are discussing this matter and, if so, what the progress of those discussions is?

**Hon. Mr. Scott:** I thank the honourable member for the question about the property rights amendment proposed for the Charter of Rights and Freedoms. He refers correctly to the fact that three other assemblies have passed the requisite resolution. Regrettably, two of those assemblies' resolutions have expired by virtue of the passage of time, so at present there is only one outstanding resolution.

The Ontario resolution, as the members will know, was passed not long ago. Regrettably, while it was passed by the House, it did not obtain the support of a majority of the members of the assembly, which is required by the Constitution Act. It obtained the support only of a majority of the members voting and is therefore not a resolution that qualifies under the Constitution Act.

However, I should tell the member that the attorneys general at their last meeting agreed that a study should be done by them and their officials on the impact, positive and, if any, negative, that such a proposal might have if effected.

#### IDEA CORP.

**Mr. Pope:** I have a question for the acting Solicitor General, the cabinet minister who is responsible for police in this province and who therefore has some responsibility with respect to the Ontario Provincial Police, who are now investigating the Wyda matter.

On July 3, 1986, Mary Eberts said that there was a meeting in this building. She said: "We went over the documents that I would be obliged to disclose, and we also went over the meetings I had with them that I would be obliged to tell this committee about." She is referring to Mr. Caplan and the member for Oriole (Ms. Caplan). "I had to tell them what evidence I would have to give pursuant to the subpoena that I had received. And I did that so as to allow them to consider whether they would waive the privilege." That is on page 35 of Hansard, public accounts committee, July 3, 1986.

On page 37: "Was there anyone else there, other than the people you have just listed?" "At the conclusion, when the decision of the waiver of privilege was finalized, there was a very brief attendance by the Attorney General. It was very short."

Will the acting Solicitor General indicate to me and to the members of the House that he agrees that a judicial inquiry should be conducted into this matter so there can be some separation between the members of the cabinet and the acting Solicitor General in this matter?

**Hon. Mr. Scott:** I think there is some confusion as a result of the fact that Ms. Eberts had associated with her in that inquiry a lawyer whose name was Scott. I gather from the press reports that the lawyers and clients met together to discuss evidence. I was not present at any such meeting.

On the morning the first witness was to be called at the committee, I was notified that the first witness was to be Blenus Wright, who is a staff member of my department. He indicated that he would not be able to attend because the position had been taken that he could not give evidence as he was bound by solicitor-client privilege in respect of advice he had given to Mr. Caplan in the course of advising him with respect to conflict. I was advised by his office and by the

office of the secretary to the cabinet that he would not be attending.

#### 14:50

I considered the matter with my officials and we determined that the exception of solicitor-client privilege did not bind Blenus Wright and that he was compellable by the committee and was obliged to give evidence. I therefore attended on the lawyers to advise them the government view was that Mr. Wright would attend the committee and would give evidence if asked questions by members of the committee. I attended for only a few moments, made that point and left.

**Mr. Pope:** On page 35 of the transcript of July 3, Mary Eberts, a lawyer, under oath, indicates that yes, there was a Mr. Scott there; he was her lawyer. On page 37, she very clearly indicates he attended that meeting. At that meeting, information and documents were reviewed with Stephen Goudge, of the law firm of Gowling and Henderson, before they were presented to the committee.

This is now a matter that is subject to an Ontario Provincial Police investigation, with the potential of criminal charges. Will the Attorney General and acting Solicitor General not agree that it is now time for a judicial inquiry or that he should step down from his position until the investigation is finished?

**Hon. Mr. Scott:** I do not have the transcript in front of me at the moment, though I have seen it. My friend has now been good enough to send it over to me. I want to take a moment to look at it.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** There is no reference to me on page 35. On page 36, Ms. Eberts says this: "At the end of the meeting, after all the discussions had finished and the Caplans had taken the decision to waive their privilege and permit me to talk to this committee, the advice that I had been authorized to talk to this committee was given to Mr. Goudge, who I understand is representing the caucus."

Questions go on: "Was there anyone else there, other than the people you have just listed?" We must remember we are talking about the end of the meeting after the discussions had finished. Ms. Eberts says: "At the conclusion, when the decision about the waiver of privilege was finalized—"

**Mr. Speaker:** Order.

Interjections.



**Mr. Speaker:** New question; the member for York South.

#### PROTECTION FOR HOME BUYERS

**Mr. Rae:** I have a question for the Minister of Consumer and Commercial Relations and the Minister of Financial Institutions. I have in my hand a copy of the agreement of purchase and sale between Felicia Petrocelli and Madelina Cisti with Appleford Estates Inc. It is a document that is a masterpiece of obfuscation, and really a masterpiece of oppression when one looks at the relationship between vendor and purchaser.

This is the standard contract that is being imposed on purchasers of new homes. It is a contract that literally gives the purchaser nothing, as we now can see only too clearly, and gives the vendor, the seller, absolutely everything. It is a standard written contract, two pages of fine print, all of which establishes that at the end one may not have a home at all, as we now know only too well.

Is it the minister's view that this is a fair contract to be standardized in this way and imposed upon purchasers?

**Hon. Mr. Kwinter:** The member of the third party is a gentleman learned in the law and I am not, but as someone who has been in the real estate business I can tell him there is no such thing as a standard contract. The contract he showed me may be purported to be a standard contract, but any purchaser who gets involved in any transaction that in most cases is the largest transaction in his lifetime should get legal counsel. The purchaser should get legal counsel to take a look at that document and, if it is as outrageous as the member says it is, the purchaser should not sign it.

**Mr. Rae:** I do not think I have ever heard, even from the minister's own lips, a more moronic response to what is literally an oppressive contract. For the Minister of Consumer and Commercial Relations to say there is no such thing as a standard contract is an unbelievably naïve statement; that is the kindest interpretation one can put on it. The minister knows full well that in a tight market there are standard contracts and that purchasers are faced with virtually no choice; it is a take-it-or-leave-it situation. That is the reality.

Given the minister's pathetic response to the first question, is he going to do anything at all for the dozens, indeed now, we understand, hundreds of purchasers who are being cheated of the homes they thought they were buying because of the very unfair nature of the contracts they had to

sign to be able to get their foot in the door in the first place?

**Hon. Mr. Kwinter:** I do not want to prolong the discussion about contracts. There is a standard form. As the member knows, a contract in law has nothing to do with the form; that is the form that is used. When we talk about contracts, the member is supposed to be a lawyer, but when he suggests these things are moronic, he is showing his lack of knowledge on this issue.

When it comes to a document, it is there to be amended or altered in any way the purchaser chooses. When we are talking about a market, the market may be tight but that has nothing to do with the document. We have to make sure consumers are protected from unscrupulous vendors, and we are doing that. We will be making announcements shortly. That is the role we are playing.

**Mr. Speaker:** The Minister of Financial Institutions has a response to a question asked previously by the member for Welland-Thorold (Mr. Swart).

#### AUTOMOBILE INSURANCE

**Hon. Mr. Kwinter:** On December 8, the member for Welland-Thorold asked me whether I could determine the number of drivers who are not insured. I told him I did not have that information but I would try to get the answer to him. In his question, he suggested that because the Ministry of Transportation and Communications estimated the figure was 1.6 per cent of all drivers involved in traffic accidents, it is possible there are 70,000 uninsured drivers.

The member must appreciate that, because it is illegal to drive without insurance, I cannot very well go out and canvass everybody and ask, "How many of you are breaking the law?" What we have been able to do is to monitor claims against the uninsured coverage which every auto policy in Ontario includes, plus the claims against the motor vehicle claims fund as a percentage of all auto liability claims.

These have fallen steadily in the past three years. In 1983, we find the uninsured claims as a percentage of auto liability claims were 2.5 per cent; in 1984, 2.2 per cent; in 1985, 1.9 per cent. The current estimate is that the percentage is less than 0.5 per cent of all liability claims.

**Mr. Swart:** I remind the minister that under the Motor Vehicle Accident Claims Act most people have to launch suits and, therefore, they do not bother; and that many people do not have the uninsured coverage.



Neither of the methods the minister mentions seem to be nearly as accurate as checking with the police officers who determine at the time of an accident whether there is insurance. Is the minister saying the figure of 164,000 that was given to the committee when it was studying the Ministry of Consumer and Commercial Relations estimates two years ago was false? If not, can he tell me what the figure is, using the same technique of evaluation at present?

**Hon. Mr. Kwinter:** I am not saying the figure is false. I am saying we are dealing with a situation where we are trying to determine how many people out there are breaking the law. It is very difficult to find that out because nobody is going to come forward as a volunteer to say, "I am breaking the law and I should be counted." I am suggesting we think this is probably a more accurate way of gauging that number.

15:00

#### HIGHWAY CONSTRUCTION

**Mr. Cousens:** I have a question of the Minister of Transportation and Communications. The phenomenal growth that has been taking place in York region for the past several years has continued to put pressure on every ministry of this government, and people are becoming concerned about many issues. One of the most stressful issues now affecting the people of York region is roads. Will the minister tell us when his government plans to begin construction of Highway 407?

**Hon. Mr. Fulton:** If I were a member of the previous government, I would be embarrassed to ask a question about the transportation needs of this province. Along with his colleagues, that member sat in cabinet for years and allowed the bludgeoning of the budget of this ministry.

**Mr. Andrewes:** What?

**Hon. Mr. Fulton:** I said he allowed the bludgeoning of the budget of this ministry.

**Mr. Speaker:** The member for Lincoln might want to control himself.

**Mr. Cousens:** I cannot believe the answer from that minister. This is an affront to the House and an insult to the people of York region. It is a simple question: when will the government begin to build Highway 407? Nothing has been done to add services or additional trains to GO Transit. We have 15,000 new homes being built in south York region right now.

**Mr. Speaker:** The question has been asked.

**Mr. Cousens:** All I want to know is when this government will begin construction of 407. That is the question I asked before, and I ask it now.

**Hon. Mr. Fulton:** The member is well aware that the 407 is one of many priorities we inherited that the previous government did not bother to fund.

We recognize the rapid growth in the region to which the member refers. We are also aware of it from tours of his riding on two occasions in the past 10 days. The minister is very aware of that need. However, we have had to take a budget that was beaten to death for more than 10 years. The generosity of the Treasurer (Mr. Nixon) has allowed us to add money in the past couple of years and I hope we will continue to do so.

To answer the member's question, we are working on property acquisition and other matters related to it. As funding becomes available, I will make the appropriate announcement at the appropriate time.

**Mr. Cousens:** I waited two days for that.

**Mr. Speaker:** The member for Scarborough-Ellesmere.

[Applause]

**Mr. Warner:** Thank you. Now, if the members who applauded will only donate to my campaign.

#### YOUTH UNEMPLOYMENT

**Mr. Warner:** I have a question of the Minister of Skills Development. This government has but one major program directed towards youth unemployment. After one full year, the success is that it has reduced youth unemployment from 12.2 per cent to 11.2 per cent. At this rate, it will be 11 years before we solve the problem. Does the government have any plans that will really cope with the problem of youth unemployment?

**Hon. Mr. Sorbara:** I would donate to my friend's political campaign; not very much, but I would donate to it. I did not watch the show, though. I missed it. We do not have a television in the family.

First, my friend says unemployment has gone from 12.2 per cent to 11.1 per cent. I think that is what he said. In fact, the figures for November, year over year, are from 12.2 per cent to 10.1 per cent. Are we satisfied? No, we are not satisfied.

He suggests we have one program. When another party was the government, he was saying: "You have too many programs. You should make a concerted effort." I think my friend is trying to recoup from statements he made about how successful our Futures program is and will be. For that, I thank him.

**Mr. Warner:** The minister can accuse the Canada Employment and Immigration Commis-

sion of distorting the facts and figures. The fact is, unemployment has decreased by only one per cent. We still have 115,000 unemployed young people in this province, and the minister has no response for it.

I asked the minister whether he had seriously considered the statement made by the Social Planning Council of Metropolitan Toronto that a stimulative monetary policy could create jobs for employment-disadvantaged youth at a lower cost to the taxpayer than the Futures work experience program. When will the government be prepared to bring in some realistic programs that will help the 115,000 young people who are currently unemployed in Ontario?

**Hon. Mr. Sorbara:** This is like a rerun of estimates. The member for Scarborough-Ellesmere prepared the question and delivered it very well then, and I think I delivered a pretty good answer. I will try it again.

I acknowledge there are still 115,000 young people unemployed, but my friend should acknowledge the statistics indicate that of those 115,000, some 48,000 are full-time students who would like part-time jobs. Yes, they are unemployed, but they are full-time students. We discussed that.

My friend has asked when the Minister of Skills Development is going to bring in a stimulative monetary policy. That is not yet in the mandate of the Ministry of Skills Development. I think it resides with the Treasurer (Mr. Nixon), where it belongs. That part of the question ought properly to be directed to him.

## COURTHOUSE

**Mr. Baetz:** I have a question for the Attorney General, if the member for Grey-Bruce (Mr. Sargent) will allow him to listen to it.

Leaders of the legal community in Ottawa continue to disagree sharply with the Attorney General's assessment of courtroom needs in Ottawa's new courthouse. There are comments all over the place. For example, Mr. Wakefield, president of the Defence Counsel Association, says: "The backlogs are there, the delays are there. If Scott refuses to see the problem, well, there is none as blind as those that will not see." Robert Houston says: "It is misleading"—strong language; we may not even use it in here; it is misleading, it is bamboozling—"for Scott to suggest that the number of cases handled by local courts does not warrant more courtrooms."

In the light of all this, what specific steps has the Attorney General taken during the past two weeks to meet with these leaders and to resolve

these obvious misunderstandings of our courtroom needs in the nation's capital?

**Hon. Mr. Scott:** I guess the honourable member was at home or elsewhere when this question was asked not long ago, because it is not different from the one asked then.

As I indicated, I have discussed the matter with Mr. Houston in person on a number of occasions and very recently by telephone. I have indicated that the courthouse has the capacity to be expanded by the completion of an additional four courtrooms, which I think cost about \$500,000 each to complete. Now that the courthouse is open with, I think, 27 courtrooms in place, I have indicated to Mr. Houston and others that we will watch for the next month or two and see the extent to which there is a need for additional courtrooms before those millions are spent.

As Mr. Wakefield very candidly concedes in another quotation, which the honourable member has not taken care to read, it is not the absence of courtrooms alone that is the problem in Ottawa; one of the major difficulties is the absence of judges, who are appointed by the federal government in Ottawa. There are now four judicial vacancies in the Supreme Court of Ontario, which the federal government, of a political stripe the member knows, has not yet filled.

The solution to the backlog problem is a joint solution. We have indicated clearly that when a need is demonstrated in the next month or two, if it is, those courtrooms will be completed.

15:10

## PETITIONS

### SUNDAY TRADING

**Mr. Warner:** I have a petition to the assembly. It reads:

"We, the undersigned persons, by voluntarily affixing our signatures, indicate:

"That we are opposed to the general opening of retail stores in Metropolitan Toronto; and

"That we wish to indicate to legislators at the municipal and provincial level that we consider the general opening of retail stores as an infringement of our Christian Canadian heritage."

There are 180 signatures, and I support the petition.

### SUNDAY RACING

**Ms. Bryden:** I have a petition about Sunday racing signed by 47 residents of my riding, Beaches-Woodbine. It reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Ontario Racing Commission in its hearing into the Ontario Jockey Club application for Sunday racing at Greenwood Race Track has ruled that it does not have the jurisdiction to hear the concerns of residents surrounding the aforesaid racetrack;

"And whereas many residents have shown their concern with the impact of Sunday racing at Greenwood Race Track on their neighbourhood and have indicated their wish to voice that concern;

"That the government amend the Racing Commission Act to ensure that the rights and concerns of residents in the neighbourhood of the racetrack and in the surrounding community be considered and protected by the Ontario Racing Commission in setting racing dates, times and schedules;

"Further, that the legislation provide that the long tradition of no Sunday racing at Greenwood Race Track be maintained."

I support the petition.

**Mr. Speaker:** Before I recognize any other members to present petitions, perhaps many of the members who are having private conversations will refrain in order that these members may be heard.

#### SUNDAY TRADING

**Mr. Jackson:** I have a petition for the Honourable the Lieutenant Governor from 80 citizens from the Halton and Hamilton-Wentworth regions. It states:

"We, the undersigned, are opposed to retailers opening on Sunday. We feel that the Legislature should be more stringent."

**Ms. E. J. Smith:** I have five individual petitions, all saying roughly the same thing and containing 354 signatures. I will read one of them:

"We are adamantly opposed to any changes in the law that will allow an extension permitting more stores to open on Sunday. Signatures of our friends and neighbours who feel the same way are enclosed. It is our hope that you will exercise your powers in support of our petition."

#### REPORTS

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. McCague from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 131, An Act to amend the Assessment Act.

Motion agreed to.

Bill ordered for third reading.

##### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Laughren from the standing committee on resources development reported the the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Agriculture and Food be granted to Her Majesty for the fiscal year ending March 31, 1987:

Ministry administration program, \$13,304,600; agricultural marketing and standards program, \$29,513,300; agricultural technology, development and field services program, \$113,006,700; and financial assistance to agriculture program, \$182,509,400; and

That supply in the following supplementary amount and to defray the expenses of the Ministry of Agriculture and Food be granted to Her Majesty for the fiscal year ending March 31, 1987:

Agricultural technology, development and field services program, \$1,211,800.

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Breaugh, from the standing committee on the Legislative Assembly, reported the following resolution:

That supply in the following amount and to defray the expenses of the office of the chief election officer be granted to Her Majesty for the fiscal year ending March 31, 1987:

Office of the chief election officer program, \$359,600.

##### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Runciman from the standing committee on public accounts presented the committee's report and moved the adoption of its recommendation:

Your committee has reviewed matters related to the \$3-million investment received by Wyda Systems (Canada) Inc. from IDEA Corp. last year.

During its investigation, your committee received evidence indicating: that more than \$2 million of the \$3 million was used to pay off debts instead of being applied to research and



development; that debts included \$462,000 to Abraham Dobzinski and \$585,000 to Budgrove Ltd.; that \$30,000 was paid to Canadian Inter-corp Ltd., a firm belonging to a self-confessed Liberal lobbyist, Ivan Fleischmann; and that on April 17, 1986, Wyda issued a cheque to Abraham Dobzinski in the amount of \$3,451,922, presumably to reimburse for retirement of a long-term indebtedness of his company.

Neither the committee nor the Provincial Auditor of Ontario has received an explanation that would justify the complexity or reconcile the accounting.

In view of the very important matters on the committee's agenda, your committee advises that it is not in a position to investigate further this complex matter and therefore recommends that a judicial inquiry be initiated forthwith into this matter.

On motion by Mr. Runciman, the debate was adjourned.

## MOTION

### COMMITTEE BUSINESS

Hon. Mr. Nixon moved that the standing committee on resources development be directed to review the circumstances of the announced closure of the Goodyear tire manufacturing plant and the various closures of other manufacturing facilities, particularly in northern Ontario.

Motion agreed to.

## INTRODUCTION OF BILLS

### THEATRES AMENDMENT ACT

Hon. Mr. Kwinter moved first reading of Bill 173, An Act to amend the Theatres Act.

Motion agreed to.

**Hon. Mr. Kwinter:** The bill I am introducing today will bring the management structure of the Ontario Film Review Board in line with other public agencies, boards and commissions.

Under the amendment, separate individuals will be appointed as chairman of the Ontario Film Review Board and director of the theatres branch. The chairman will be appointed by order in council rather than being a civil servant. Administrative and support services will become the responsibility of the director of the theatres branch.

Under the current act, the director of the theatres branch is automatically chairman of the Ontario Film Review Board.

My new proposal is consistent with earlier administrative changes, which expanded the

number of board members, all of whom are now part-time non civil servants. This is designed to reflect broader community input.

15:20

## PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT

Hon. Mr. Scott moved first reading of Bill 174, An Act to amend the Proceedings Against the Crown Act.

Motion agreed to.

**Hon. Mr. Scott:** In 1983, as members will perhaps remember, an amendment was made to the Proceedings Against the Crown Act to make the crown subject for the first time to garnishment proceedings in respect of the wages of its employees and moneys owing to persons contracting with the government.

During the process of developing the administrative procedures implementing that amendment, it became apparent that the complex and decentralized nature of government called for more specific procedures for binding the crown by a garnishment order.

Members will recall garnishment is to apply not only to wages but also to moneys owing under all government contracts for goods or services wherever payable across Ontario.

Accordingly, the purpose of these amendments is to assist the crown in identifying which payments made in the vast and intricate network of government operations will be bound by a particular notice of garnishment. These amendments will bring about long-awaited relief for creditors of persons entitled to receive payments from the crown.

## GREENWOOD RACEWAY ACT

Ms. Bryden moved first reading of Bill 175, An Act to Ban Sunday Racing and Intertrack Wagering at Greenwood Raceway, and to provide for public input into decisions of the Ontario Racing Commission.

Motion agreed to.

**Mr. Speaker:** The title sounds self-explanatory, but the member may have some further explanation.

**Ms. Bryden:** This bill bans Sunday racing and intertrack betting at Greenwood raceway, which is the only racetrack in Ontario located in a high-density urban residential area. It also provides for public input into the decisions of the Ontario Racing Commission, which regulates racetracks in Ontario.

## CITY OF TORONTO ACT

Mr. Offer moved first reading of Bill Pr53, An Act respecting the City of Toronto.

Motion agreed to.

ANSWERS TO QUESTIONS IN ORDERS  
AND NOTICES AND RESPONSE TO  
PETITION

**Hon. Mr. Nixon:** I wish to table the answers to questions 500 and 505 to 510, the interim answers to questions 501, 502, 503, 511, 512 and 514, revised interim answers to questions 210, 289, 411 and 454, the response to a petition presented to the House, sessional paper 233, and an interim response to petition sessional paper 232 [see Hansard for Monday, December 15].

## PUBLIC OPINION POLLS

**Hon. Mr. Nixon:** I wish to table the following public opinion polls: from the Ministry of Natural Resources, a forestry research survey, and from the Ministry of Agriculture and Food, a survey on equine technology.

## ORDERS OF THE DAY

REPORT, STANDING COMMITTEE ON  
PUBLIC ACCOUNTS  
(continued)

Resuming the adjourned debate on the motion for adoption of the recommendations contained in the report of the standing committee on public accounts on the allegation of conflict of interest concerning Elinor Caplan, MPP.

**Hon. Mr. Nixon:** If honourable members will allow me to lead off in this debate, I want to express a few thoughts to the House on this very important matter. Unfortunately, I have another commitment in a half hour, although I do not intend to use all that time in expressing my views.

I do not recall a situation in my political career where I felt more personally disappointed at what I consider to be bad luck that overtook a valued personal friend and colleague, the member for Oriole (Ms. Caplan), who is present in the House today. We came into the ministry together, and although I had sufficient experience in opposition for several members, neither of us had any experience in government; however, she, having been a valued and effective member of North York council, at least had been associated with executive decisions and was not so daunted by them as I perhaps was and to some degree still am.

Since one of her principal responsibilities was as Chairman of Management Board of Cabinet and mine was as Treasurer, we were both located on the seventh floor of the Frost Building. We worked rather closely together. I was very pleased to be named a member of Management Board, and we used to argue about and discuss a variety of decisions that the members of the official opposition know about and that the members of the third party may know about if they get lucky.

The comments are based on the fact that we established a very strong personal friendship and, I hope, mutual trust. I have complete trust in her judgement and in her usefulness as a member of this government and as a person whose motives in public life are the strongest, purest and most effective. Perhaps that itself is a bit of a bias in discussing this report, but I want to be sure the members know my views on that important area.

Nothing could have been of more concern to me than allegations that the use of her position by others would lead to an allegation of conflict of interest. It resulted in her resignation from the cabinet. At the time, I thought it would be for a short period, but now six months later she is still out of the cabinet and we are debating in this House the report of the committee on the allegations.

I want to say something about the procedure itself. I think she did precisely the right thing in tendering her resignation from cabinet pending the solution of this matter. In my view, the matter is resolved as far as she is concerned. That is probably the basic tenet of my comments this afternoon. I have not talked to anyone in this House or anyone associated with the matter who feels the member for Oriole is culpable of anything other than being an innocent bystander in a situation that in many respects has been disastrous for her these past six months and could be, and I hope will be, remedied both by this House and by the leader of the government in the future.

I believed then and frankly I believe now that the reference to the committee was appropriate. I did not for a minute think it would be an easy reference, having been associated with politics here and, I should say as well, with opposition politics. I know how the place works, and I have no objection to that at all. That there were people who said the discussions had political overtones did not surprise me, and I do not find anything wrong with it. To tell the truth, I am not sure

there were such overtones in reference to the member for Oriole herself.

The fact that some of the discussions would lead to an acrimonious exchange is nothing other than what happens here from time to time. If people do not like it as members of the Legislature, they should get out of the heat of this chamber. If observers do not like it, they have the right to express their objection. However, I believe tough exchange is here to stay, and I do not regret that. I do not think it was a bad procedure, although most of my colleagues are not of the same view when I discuss it with them. They feel that by our motion putting this matter to the committee, we abandoned our colleague and friend to an arena of wolves, lions, tigers and even a few jackals.

**Mr. Breagh:** Name names.

**Mr. Wildman:** Lions and tigers is okay, but jackals?

**Hon. Mr. Nixon:** I put that forward. They can identify themselves as they see fit.

I still think the decision was the correct one. We now have the report from that committee, long after we would have expected it. I do not believe I am naïve in these matters, but I might have had a certain degree of innocence when I thought a two- or three-week investigation would lead to a report that might not have been a total exoneration or anything like that, but I still feel the confidence of this House and of the individual members in the member for Oriole is complete. That is my view and my judgement.

**15:30**

The problem associated with the report itself is not a matter I want to dwell on. Since the report we are debating had some question about the judgement of the member for Oriole in this regard, I disagree with it. I was not a member of the committee, and I do not want to speak in agreement with that in any way.

I believe she was very much an innocent bystander in the matter, totally occupied with extremely heavy duties and responsibilities in the cabinet and the day-to-day administration of Management Board of Cabinet and the Ministry of Government Services, as well as being sought after on many occasions by her colleagues for advice and having many other personal responsibilities going forward.

I was very concerned about this, and I am glad we have come to this day, when I hope the consensus will be as I have stated. While we have no objection to the report's finding, although my

colleagues and I cannot agree with it, still it does not find the member in conflict of interest.

I do not take as seriously as perhaps I should that the committee went forward and reconsidered that last bit in a further report, which is in Orders and Notices for discussion later. There was an exchange, political on both sides—and I am quite willing not only to admit that but also to assert it—and it led to a review of the final decisions, which I felt were almost irrelevant and in my view should be irrelevant in this debate.

However, I have another personal concern. Since this whole matter was based on decisions made by IDEA Corp., and the question period today largely related to reviewing those decisions and their ramifications, I am taken back to a line in the budget I had the honour to present to the House more than a year ago. I have the budget in my desk. Members interested in the matter will know I am referring to the statement that said IDEA Corp. would be wound down and replaced by a smaller organization within government itself that would have the responsibility of making grants under the direction of government policy for the venture requirements of new and burgeoning corporations in this province.

**Mr. Wildman:** They made their biggest investments after that decision was made.

**Hon. Mr. Nixon:** That is my second point. That is why I have this personal concern. While the direction of the policy of the government was clear, as the member for Algoma (Mr. Wildman) has interjected, some of the biggest grants were made after that time. I often think about that. I wonder how that could have happened. I was under the misapprehension that the policy of the government would be followed where possible in these matters.

I point out for the interest of the members that the chairman of the corporation is the former Deputy Treasurer. He would be used to looking at budgets and responding to them. If the direction of the policy of the government had been followed, as we firmly expected it would be, I believe this would not have happened. That is quite a severe and serious thing for me to say, but I am the person to say it, because the matter was of personal concern.

IDEA Corp. was established by the previous government, with independence of government. Its funding does not return to the consolidated revenue fund at the end of the year, and while its board members are appointed by order in council, they are expected to have substantial independence and objectivity in these matters.



That concept originally was well founded, and we have no objection to the policies that established it in the first instance. It was our view, however, that IDEA had not proved itself. As a matter of fact, it had been proved quite clearly to be a facility this government did not wish to continue. We wanted to use some other facility to provide venture capital to the industries and the entrepreneurs of Ontario.

As Treasurer, I felt I would be less than frank if I did not put before the House that which is a matter of concern to all of us. The decisions were entered into legally and properly, although in hindsight the judgement upon which they were based appears to have been flawed in some degree.

My personal feelings in this are associated with the fact that the policy of the government in this connection was quite clearly stated. I have already indicated my personal belief in the vitality and independence of the former minister's judgement in politics and in government. Her record in municipal politics and in the community in general is exemplary. We were and are proud to be associated with her, not just as members of the Liberal Party but also as members on all sides in this Legislature.

I can report to you, Mr. Speaker, of her abilities in cabinet of an administrative nature and of a personal nature. She was able and continues to provide leadership in the motivation of politicians both in and out of the government, which is valuable and certainly something not to be lost.

My own view is that in many respects the report, which is somewhat critical of the judgement associated with this, is one of the best reports we could get out of the process at this time and in this way. I hope that the view expressed in this House will be supportive of the member for Oriole and that at the end of this report and the other reports on the order paper, we can move away from this matter on a personal basis.

We know the investigation into Wyda is ongoing. Whether it is going to satisfy the opposition is another issue entirely, and there is no doubt we will be hearing about that from time to time, perhaps as soon as tomorrow.

I feel better, having had a chance to rise in the House and express my personal conviction of the honourable member's independence of any of the concerns that have been expressed and my sincere hope that she will be supported by the members of this House. I also hope that her career in politics and in government will continue and that she will be able to have an additional

opportunity to serve the House, the government and the community.

**Mr. Pope:** On behalf of all members of the committee, I believe, I want to say this report was not one of our happier duties over the nine and a half years I have been a member, and that feeling was expressed to members of the governing party on a number of occasions.

The Treasurer (Mr. Nixon) in his very brief statement talks about the issue of culpability and the issue of conflict of interest. The unanimous report of the committee dealt with the matter of culpability rather fairly. Actions taken by Mr. Caplan were found to have been in conflict of interest. The report outlined in some detail in its factual findings what those activities were. It was very specific in its recommendations and its findings of fact that the member for Oriole had not on her own pursued or actively engaged in conduct which of its own rendered her culpable, and therefore there was no finding of culpability from any actions arising from the activities of the member for Oriole.

**15:40**

I want to underline that from my point of view as an individual member of the standing committee on public accounts who sat in on the entire hearing and actively got involved in the hearing with questioning, that is different from the matter of conflict of interest. While the Treasurer and I may share some common ground with respect to culpability, we share absolutely no ground on the Treasurer's statement that there was no finding of conflict of interest.

Attached to this report, and therefore part of it, are the guidelines with respect to conflict of interest. Clearly, whether we like it or not, whether there is culpability or not, whether there is any action or not on the part of the minister, the facts of the matter are that in our system, in this Legislature under those guidelines, conflict-of-interest responsibility resides in the minister, not only for herself or himself but also for spouses and minor children. That is clearly stated in the guidelines.

It was on that basis that the inevitable conclusion flowed that if we found the spouse of the minister concerned was involved in a matter that led to a finding of conflict of interest, therefore, under the terminology of the guidelines the minister was in conflict of interest, not necessarily because of anything she did and not necessarily because of any motivation on her part. Without any finding of culpability on the part of the minister involved, there is clearly conflict of interest under the guidelines.

We may in retrospect, as the Premier (Mr. Peterson) did when he appeared in front of us, say that gives us some problems. The fact of the matter is that the committee was asked to rule on the basis of the guidelines that were in place at the time these events occurred. Clearly, any reading of the guidelines yields the conclusion that there was a conflict of interest. Going back to the Treasurer's comments, that is completely not at variance with the issue of culpability as the Treasurer wanted to state it.

I have never talked to the member for Oriole. I heard her testimony in the committee. I am told by those who work with her that she is a good person to work with and that she has a lot of good qualities that people admire. I have no reason to disagree with that. But we were faced with a task in this committee of making a ruling with respect to conflict of interest by the member for Oriole; and referred to us, through evidence given to us, were matters related to the Wyda investment, the activities of the spouse of the minister and others who were involved in this decision by the government to invest in Wyda.

Notwithstanding the Treasurer's statements with respect to his intention in his budget statement of October 1985, the fact of the matter is that there was, independent of the Treasurer's budget, pursuit of investments by IDEA Corp. Mr. Kruger of the Premier's office met with the staff and with the board of IDEA Corp. after the Treasurer's budget and clearly laid down his own interpretation of the Treasurer's guidelines. That person was retained by the Premier and was part of the Premier's staff, we presume. He indicated he was speaking with the knowledge and consent of the Premier and was following the guidelines and directives of the government. He clearly indicated that he gave directions to the IDEA board of directors which allowed them to continue to make investment decisions in the period of wind-down. It was not the IDEA board of directors going off on their own in the absence of some more specific direction from officials of the government of the day.

I wish to address a couple of issues that I think have to be addressed based, quite frankly, on the reaction to the first report. First of all, there was a statement made in the media that this was a partisan exercise from the very beginning. I do not know what that means, but a lot of issues were raised and discussed in private by committee members that were not included in the report. Much of it is public evidence, so I can review a couple of circumstances.

For instance, in the public records of the companies branch of the Ministry of Consumer and Commercial Relations, the member for Oriole was still listed as a director and officer of Damaza at the time it received at least two payments for services to IDEA Corp. That should have been handled sooner. To protect the member for Oriole, she should have been taken off the board of directors publicly at the companies branch, and as an officer, and the shares should have been transferred immediately she came into cabinet and not retroactively.

We did not think that was an important enough issue to be addressed in the report, and we allowed the matter to drop. We did not think it was sufficient information to do anything more than provide some embarrassment. We did not think that in itself, given the indoor management rule, constituted a conflict of interest on the part of the member for Oriole. Therefore, even though it was something active or inactive that should have been done and was not done, we opted not to make a finding on that matter and to let the whole thing drop.

There are a number of other instances in which issues were raised that we decided not to pursue, because we did not feel we should get into a partisan fishing trip on some of these issues, dragging it out and needlessly getting into nitpicking. Very important matters were not addressed. For instance, evidence was given by Mr. Dobzinski, and I remember it well; it was late one Wednesday evening. Mr. Dobzinski indicated there were two payments made to Mr. Caplan after April 19, one on the 19th and one after the 19th, in the amount of \$8,000 each.

Mr. Dobzinski testified that night, in response to questions from myself, that Mr. Caplan was rarely at Wyda after the closing of the deal and did very little, but that was the arrangement they had with him. We did not feel that needed to be addressed in the report, because we wanted to make it a unanimous, nonpartisan report in terms of finding of fact. We decided, therefore, to keep to issues we could all agree on unanimously as a committee.

What we have in this report is a unanimous finding of a whole set of factual circumstances after intensive questioning and investigation. It was unanimous; there was give and take on both sides of the issue. There were intense arguments in camera over some of the factual findings and over the recommendations in the recommendations section.

The report was drafted by members of all parties in a spirit of co-operation, because we



knew we had an obligation to make this a credible report, one that dealt with an important issue and one the public would feel some confidence in because it had been engaged on a nonpartisan basis by individual members of the assembly, thrown in a position of reviewing the conduct of one of its members, something we were not happy to do but we were assigned to do.

Because of the attempts of the members of the Liberal Party and the opposition parties, I think we succeeded in coming up with a report that was both comprehensive and fair.

I do not think this report vindicates anybody, as was claimed by the media after it was issued and as the Liberal members tried to claim at the press conference. It was a finding of fact. There was a finding that Mr. Caplan had been in breach of the conflict-of-interest guidelines. The guidelines were attached. The guidelines speak for themselves; they say a minister is responsible for his or her spouse. That was the finding of the committee.

I want to address one other reaction I heard in the media after the first report, that there was no finding of economic benefit. I say to those who feel that was the finding of the committee, the committee unanimously found otherwise. Even the government members unanimously found otherwise. We set out in the report in detail the payments made to whom, the representations by the recipients as to what work they performed for the money or benefits they received and some interpretation of the evidence of other people commenting on whether that work was worth the money paid to these individuals.

#### 15:50

Specifically, there is a finding of a payment of \$30,000 to Mr. Fleischmann out of the proceeds of the government investment. That money was paid on the closing day. There is information in this report in its unanimous findings of fact as to what work or activity Mr. Fleischmann carried out through his company, Canadian Intercorp, to merit that payment.

There was a unanimous decision of the committee to the effect that Mr. Fleischmann was paid for his introduction of this application to the officials of the Ministry of Industry, Trade and Technology. There is specific information about a luncheon with Mr. Barnes, and there is specific reference in the findings of fact as to other efforts Mr. Fleischmann indicated he made on behalf of Wyda and the principals of Wyda.

There was no comment vis-à-vis whether his efforts were worth the \$30,000, although I think it was Mr. Logan who said Mr. Fleischmann was

well paid for his efforts. There is no doubt that because we wanted a unanimous nonpartisan report, the committee never addressed the issue of whether we thought Mr. Fleischmann did anything for his \$30,000 other than have a lunch with Mr. Barnes. We stayed away from that because we were trying to get a unanimous consensus on fact.

Second, with respect to Wilf Caplan, we found as a fact that he was retained by Wyda and was paid by Wyda through Damaza and that he did work on behalf of Wyda. We made no comment on the value of that work, but we found payments were made. We also found that two \$8,000 payments were made that I talked about earlier.

It is clear, and we found as a fact, that Mr. Caplan was the vice-president of administration and finance for Wyda at all material times. After some hesitation on his part, he became involved in the intense negotiations immediately prior to the investment decision and immediately before the closing of the investment deal with IDEA Corp.

We found as a fact that specifically on the morning of April 10 at the Inn on the Park, Mr. Caplan met with Avi Dobzinski and Mr. Logan, Mr. Logan being the representative and employee of IDEA Corp. At that breakfast, there was a discussion about the use of the government funds that were to be invested in Wyda. We found unanimously as a fact that while Mr. Logan may not have thought so, the essential nature or quality of the investment changed around that time.

As a result of that breakfast meeting, there was a list of payments to be made out of the proceeds of closing, the government money that was being invested. Those payments went to the individuals who are listed in the report. We found unanimously that those payments were made, including the unanimous finding of a payment of \$30,000 to Intercorp, \$462,525.98 to Mr. Dobzinski, \$8,000 to Damaza and \$584,670 to Budgrove.

It was a unanimous finding of fact by all members of all parties that these payments were made directly out of the proceeds of closing. We did not include in our report, but there was clear factual evidence, that as well as these payments made on closing and within 11 days of closing, the monthly budget of Wyda went to \$454,000 and that money was taken and spent. Then in June 1986, the following month, it declined to \$175,000.

In the budget document for May was included an item of \$185,000 with respect to purchase of



equipment. It is my understanding from the representatives of the Ontario Development Corp. who appeared before our committee this morning that the dollar item in the May 1986 budget of Wyda is what first alerted the ODC to the requirement for an examination of the fair market value of the assets. They expressed the opinion this morning that \$185,000 did not represent the actual value of the equipment purchased, that the value was overstated. That led them to call for an examination and evaluation of all the other computer equipment, the hardware located in the Wyda premises or available to Wyda.

I refer the members of the Legislature and the public not only to the recommendation page, the two or three pages that indicate the summary of recommendations we have made, the 13 points in the first report, but also to the unanimous factual summary that all members of all parties adopted when they adopted the first report. There is no doubt that the facts found by the committee indicate there was a conflict of interest. We specify how that conflict of interest occurred, and whether we like it or not we reiterate spousal responsibility was in the existing guidelines that were in place at the time.

I want to address the whole issue of the co-operation of the government in this matter. I acknowledge that the member for Oriole appeared before our committee and was very forthcoming and answered all questions; many other witnesses did likewise.

However, I reiterate that this matter was referred—and I should also indicate, and I should have done this at the very beginning, the admiration I have for the member for Oriole and the manner in which she decided to resign from her position in cabinet as a result of her analysis of the events in the Legislature on the day on which she indicated her desire or her decision to resign. Excuse me, I do not think it was a desire, by any means. I reiterate our admiration for the way in which the member handled herself on that day and her sensitivity to the issue as it was developing in regard to the Wyda investment.

Both opposition parties indicated to the government House leader that they wanted an inquiry. We indicated our preference for the standing committee on public accounts, and the government acceded to the opposition request. But when the Premier and Mr. Carman appeared, they relied on executive privilege not to produce documents they had in their possession. As of today, we do not have those documents; they did not produce them.

I remind members, particularly the members who sat on the committee during the time the consideration of this matter was taking place, that on at least three occasions I indicated publicly in the committee my reservations about the way in which information was being given to us. Others were interpreting what was relevant and what was not. It was not being left to the committee members. The reason that becomes important is that interpretations were put on certain information and fact situations that, when it all came out in the wash, were not appropriate or relevant and were erroneous.

#### 16:00

The other reservation I had, and I expressed it very early in the questioning of Mary Eberts, was that there appeared to be meetings going on with lawyers at which information was being discussed and documents were being reviewed prior to their being submitted to the committee. With respect, I do not think that was appropriate. I will not quote at length, but I want very briefly to refer members to the testimony of Mary Eberts on July 3, 1986.

I have to put it in some context. Mary Eberts was a member of the transition team of the Premier, assisting the government in its transition into power and specifically dealing with the matter of conflict of interest, offering her advice and guidance to members of the cabinet-to-be with respect to conflict of interest.

In response to questions on the morning of Thursday, July 3, 1986, Mary Eberts indicated that in fact there had been a meeting in this building, attended by a number of solicitors, including, by her own words, Stephen Goudge, of the law firm of Gowling and Henderson, representing the Liberal caucus, prior to Mary Eberts appearing before our committee, at which they reviewed documents.

I understood the point Mary Eberts was making was that she had to discuss the waiver of solicitor-client privilege. I am sure the members of the committee will remember my questioning of Mary Eberts. I asked whether she had been retained in writing by any of the individuals at whom we were having a look. I asked her specifically whether she was paid as a lawyer to reinforce the solicitor-client relationship. She indicated none of the above, but she interpreted in her own opinion that she had a solicitor-client relationship and therefore the matter of privilege had to be discussed. That is her opinion, and so be it.

The point I am trying to make is that in the course of those deliberations, there were meet-

ings in this building at which documents were reviewed, information and evidence was reviewed and recollections were exchanged and at which a lawyer for the Liberal caucus was present. What a lawyer for the Liberal caucus had to do with solicitor-client privilege between Mary Eberts and the former cabinet minister and her husband is another matter. For a very brief time, the Attorney General (Mr. Scott) was present.

I reiterate, this is a matter that is now the subject of an Ontario Provincial Police investigation in part, we are told. The point I want to make is that the consequences of that are very serious. I want to drop that issue at this point, other than to say our committee unanimously found that Mary Eberts's post facto interpretation of the word "sever" was unique at best, if I can use the very words of the unanimous committee findings. I think that indicates some of the problems which arise when one starts this kind of review of information and evidence before it is made available to the committee.

The definition she gave to the words "sever the relationship," which was contained in her own letters, was not accepted by the committee. It was clear that advice was given to cut off the relationship. Mary Eberts came before our committee and indicated that her interpretation, when she appeared before the committee, was that "sever the relationship" meant to change the nature of the relationship.

By virtue of the unanimous factual findings of the committee members, we did not buy that for a minute. Because of the reinforcement of that interpretation by subsequent witnesses, it is my feeling that the interpretation of the words "sever the relationship" was part of the discussions that went on before information was presented to this committee. I think it was clearly an interpretation put on the words after the fact of the issuance of the letters. The words we found in the report were unique at best; they were carefully sculpted words.

On pages 42, 43, 44 and 45 of the report, there are a lot of findings of fact that deal with the complex relationship of Mr. Caplan with Wyda and with Mr. Dobzinski and the numerous discussions and negotiations that went on with respect to their retainer relationship. I think it is clear that at all material times after the election, Wyda was a client of Damaza and that Mr. Caplan was doing the work on behalf of Damaza, in part at least, to negotiate and obtain government investment in Wyda.

There was clear evidence, and we found as a fact, that he was held out to be and was carrying on duties as a vice-president of administration and finance. In fairness, to put the full range of services on the record, Mr. Caplan also indicated he was attempting to find what I think was called third-round financing or private sector financial alternatives for Wyda and made some efforts to contact potential investors to encourage them to make this investment during the fall of 1985.

I think it is also clear that when the initial offer was made by IDEA Corp. to invest in Wyda, Mr. Dobzinski found not only the number of dollars to be committed to this investment insufficient but also that there was too much delay in making the investment decision. Then there was a conscious decision, and Mr. Caplan said it was to protect the best interests of his client as a professional adviser and as an accountant, whereby he opted to become involved more actively in these matters.

There are findings of fact, which are unanimous, that meetings took place at the time the decision was made to increase the investment to \$3 million. There was some discussion about splitting it, \$1.5 million and \$1.5 million, and having a two-tier investment. Then it was changed to \$1.7 million and \$1.3 million. It may have been the reverse actually, but there were two different investment decisions discussed, and ultimately the \$3 million was advanced on April 19, 1986.

The findings of fact show clearly that there was some involvement and some economic benefit. The economic benefit came by way of monthly payments. On the closing, there was also a finding of fact that there were two \$8,000 payments made to Damaza. I reiterate Mr. Dobzinski's comments, which are in Hansard as part of the transcript, that he rarely saw Mr. Caplan after the closing of the deal on April 19, that he was never around and that was his arrangement with Mr. Caplan. I say that because at the very same time Mr. Dobzinski was testifying about in his recollection of what was happening, \$16,000 was being paid to Damaza.

On a very nonpartisan basis, there was a strong finding of fact with respect to the activities of Mr. Caplan and with respect to the activities of Mr. Fleischmann. We did not want to be involved publicly at this time because of the commercial value of the company, because of its need to attract new investors and because of its need to carry on as a business in this province; so at an in camera meeting in late August or early September, we called for a forensic audit—unanimously,



I might add, including the Liberal members of the committee. We included not just Wyda but also Mr. Dobzinski personally; we also included Mr. Caplan and Damaza and Mr. Fleischmann and Canadian Intercorp. It was unanimously adopted by the members of the committee.

After some discussion with officials of the Ontario Development Corp., we were told they would perform an audit, thank you very much, and there was no need to have a forensic audit done. Some weeks later, we had an in camera meeting with representatives of all three parties—I think at least two members from each party were there—at which the results of this audit were privately shared with the members of the committee. It turned out not to be an audit at all but a financial review of information we already had, with a detailed list of expenditures according to what appeared on the books of the company.

#### 16:10

At that time, I indicated my concern that an audit had not been done. It was simply a financial review and gave no additional information. I also indicated at that time my concern over the bona fides of the amounts and the debts that were paid out of the proceeds of the investment moneys. I specifically requested that we review the Budgrove debt to see whether it was for value. I specifically asked that customs documents that were then in the possession of Wyda be made available to the committee so it could determine the declared value of this equipment when it came across the border from the United States. To this day, we do not have the customs documents. To this day, we do not have a determination of the actual value of the Budgrove debt, whether it was inflated and whether it was owing to Budgrove at all.

This morning, the Ontario Development Corp. says it thinks an inflated value was put on the Budgrove debt. I remind everyone that four months ago we were raising these questions and asking for a forensic audit to solve that question in our minds.

We also asked for some clearer information on the so-called shareholder loan owing from Wyda to Mr. Dobzinski. We wanted to see the corporate documentation of the loan and the actual bank documents, and we wanted to track what happened to the \$462,000 of taxpayers' money that was paid to Mr. Dobzinski personally on April 19.

Virtually \$2 million of the \$3-million public investment was out the door of this company by the end of May. In 11 days, \$1.5 million was

gone, and in the subsequent month of May, another \$500,000 was gone in the monthly budget.

We asked for some of these explanations by way of forensic audit. We did not get it; we still do not have it. These matters should have been dealt with in August.

In any event, we expressed our disappointment with the financial review that was not an audit, in camera again, for all the reasons we indicated, not only to make sure Wyda continued as an operating company in the province but also because we did not want to make any unsubstantiated public suggestions of impropriety or wrongdoing without having a forensic audit privately done that would justify the suspicions of some of the members of the committee.

I want to talk about the in camera process. Not only did we engage in it to protect individuals and companies whose business affairs we were looking at, but we also engaged in it because we wanted to convince all members of the committee that we were trying to be nonpartisan and to speak in accordance with facts proven to the satisfaction of all members of the committee.

The in camera session was held with the accountants for the Ontario Development Corp. We indicated we were not satisfied. We were then told by the officials of the Ontario Development Corp. in camera that they would not spend any more money on audit services and that we would have to go to the Board of Internal Economy to get funding approval.

Then we were caught in a trap we actually discussed in camera. If we went to the Board of Internal Economy, the matter would become public, there would be some innuendo drawn from the fact that we were doing a forensic audit of some of the individuals and companies, and it might be detrimental to those individuals and companies and to the Wyda business itself. On at least two occasions in camera we engaged in a discussion as to whether we should make any submission to the Board of Internal Economy. Ultimately, I think we did not.

Instead of going to the Board of Internal Economy, we reiterated at first in camera our unanimous call for a forensic audit. Then we unanimously passed a public motion calling for a forensic audit and named the same individuals in October that we had named in late August. At that time, there was still no agreement by the Ontario Development Corp. to do it.

The next we heard from the Ontario Development Corp. was when it came and asked our committee to approve an additional \$500,000 to



be invested in Wyda so it could continue to operate beyond December 1. At that time, we negotiated with the representatives of the Ontario Development Corp. the terms of a more intense audit function to be carried out as a condition of approving the further investment of \$500,000 to keep Wyda operating. As a result of the request for more information, and specifically as a result of the unanimous request of the committee for more information on Mr. Dobzinski and the moneys he received, there was no co-operation at all. The Ontario Development Corp., by then realizing how serious the situation was becoming, moved to appoint a court receiver.

I reiterate what I said to the Ontario Development Corp. officials this morning. We in the committee are satisfied with their efforts over the past four weeks in pursuing this matter, in attempting to get the information, in attempting to protect the investment and in attempting to protect the intellectual property that is so important for Ontario, but we think it should have been started in August 1986, when we first raised some concerns.

At the in camera sessions in August, we were given information of a confidential commercial nature that affected our decision to call for a forensic audit. To the best of my knowledge, that information has never been made public by anyone. No member of the committee has ever leaked that information to any member of the media or to the public. We were given the information on that basis. I reiterate that, because it shows this was a nonpartisan effort to try to get at the facts behind this investment and what happened to the \$3 million of the taxpayers' money.

To my knowledge, none of the information that was given to us in camera has ever been revealed to the media or to anyone else. We abided by our undertakings. I think we showed good faith in respecting the wishes of those who wanted to give us information, but we became caught because in our opinion the information given to us revealed the need for a forensic audit and yet we were frustrated at every turn when we tried to have a forensic audit.

It is important to know that this matter had to have been discussed by the Minister of Industry, Trade and Technology (Mr. O'Neil), to whom the Ontario Development Corp. reports. A decision was made in his office by his ministry staff not to co-operate with our call for a forensic audit. That is precisely the reason we have raised this matter over the past four weeks with the Minister of Industry, Trade and Technology.

We now have a situation where the Ontario Development Corp. appeared before our committee this morning and indicated that Peat Marwick, the court-appointed receiver, only for Wyda and not for any of the other individuals or companies, had found sufficient evidence to warrant the Ontario Development Corp. to contact the Ontario Provincial Police.

Specifically, the words used this morning by Mr. MacKinnon and the staff of the Ontario Development Corp. indicated that the work stations, all of them, did not approach the value Wyda indicated it had paid for them. There was evidence that the company or its management, and that includes vice-presidents, had breached representations and warranties to IDEA Corp. They indicated there were potential tax liabilities with respect to the scientific research tax credit provisions of the Income Tax Act, and they made the statement that this "could very well amount to nothing short of commercial fraud," to use their words. That was the information given to us.

#### 16:20

I reiterate that Mr. Dobzinski has now left the country. We called four months ago for a forensic audit of all these matters in camera. We were prepared to allow the forensic audit to be carried out and to have the auditors who performed it report to a steering committee in camera. We were prepared to allow Mr. Bell, the committee counsel, to review the information privately before the steering committee ever saw it and to become a filter for personal, private, commercial information before it ever got to the committee. We negotiated those terms in good faith among all three parties and all members of that committee to facilitate a more intense investigation of what went on with the \$3 million of taxpayers' money that was invested in Wyda.

The member for Waterloo North (Mr. Epp) throughout dealt with the members of the committee in good faith, on a completely upfront basis. We could rely upon him to communicate the messages and to tell us fairly and honestly the response from the government and from the governing party. It should be put on the record that we had complete confidence throughout in our working relationship with the member for Waterloo North and in the way he treated the members of the committee.

All that failed, however; all our attempts to have a forensic audit to get to the bottom of the information, to use whatever mechanisms we felt on a nonpartisan basis were necessary to get the information without jeopardizing any individual or any company, failed. All of that was done in

an aura of good faith and mutuality, trying to get to the bottom of this without hurting people unnecessarily.

The need to get to the bottom of it without hurting people unnecessarily was expressed time and time again. It was expressed by the member for Waterloo North particularly, because he had the legitimate concerns that people should be protected and that we should be very careful about how we handled the demand for a forensic audit in the public forum. We respected and attempted to follow the advice of the member for Waterloo North.

We now have a situation where we presume the \$462,000 that was paid to Mr. Dobzinski is no longer available. We are not told the Ontario Provincial Police are investigating Mr. Dobzinski personally; we are told they have been summoned to the Wyda offices to deal with the Wyda matter. We do not know what the scope of the OPP investigation is other than information we were given this morning by the officials of the ODC.

We do not know what happened to the Budgrove money that was paid. We have no explanation of the curious refinancing that took place before the closing of this transaction. Approximately \$3.4 million was paid to Wyda and then from Wyda back to the person who paid it in the first place, and that was Mr. Dobzinski. We have no explanation of that transaction at all other than to say it was a requirement of IDEA Corp. that there be a refinancing of the debt structure of the company—the long-term debt as opposed to the short-term debt—and a payment was made in and made out the same day by cheques travelling between the same two entities, one individual and one company.

No one could explain it to us. We asked the solicitors who acted for IDEA Corp., and we asked the accountants, but no one could give us an explanation. The solicitors who acted for IDEA Corp. on the closing of this transaction admitted they never investigated the fair market value of the assets or the bona fides of the debts that were being paid off out of this financing or investment package. None of this information has yet been forthcoming. Setting aside the conflict-of-interest matter for a minute, even from a public accounts committee function, it is prudent and necessary for the committee to get the answers to some of these issues.

Some of the problems that led to the second report arose out of the interpretation given to the first report. If the members read the entire first report from cover to cover, it speaks for itself. It

finds a conflict of interest, and it attempts on a fair-minded basis to address the issue of culpability. For instance, I should read this into the record with respect to the member for Oriole: "That there was nothing active done on her part that would lead her in breach of the conflict-of-interest guidelines, that there was no intention on her part to breach the guidelines, that she did nothing active to be in breach of the guidelines."

We on all sides of the issue chose those words very carefully, and we did find that the spouse of the then minister did, by action, breach the conflict-of-interest guidelines. I reiterate that was unanimous.

I conclude by saying that the guidelines truly speak for themselves. Whether we like it or not, I was responsible for my wife's conduct when I was a cabinet minister; I was responsible for the conduct of my infant children. Those guidelines were still in effect. Ministers are responsible for their spouses. It is a fact of life in the Legislature. It is the guideline. It is the rule of conflict of interest. We are caught by it. It is there, and it binds more than the ministers of this current government. It has bound ministers over many years, since this issue was first addressed by then-Premier Davis many years ago.

If you examine the statements by the Premier (Mr. Peterson), they are unacceptable. He has been negligent in this issue in not helping his ministers, particularly the newly elected ones. He has cast them adrift by not getting personally involved in this matter. I find it astonishing that he would come before our committee and virtually say, as he did—and I stand by the words I put to the Premier the other day—that he really had no part in the administration or enforcement of these guidelines; that he left it to Blenus Wright, whom he had never met but who he was told looked like Mozart; and that he really had no interest in the matter and felt it should be given to someone else to take care of.

Damn it, it is the responsibility of the Premier and has been the responsibility of many Premiers for many years before him. It is the responsibility of the Premier to take care of this issue, not only to ensure his ministers are in conformity with the conflict-of-interest guidelines but also to enforce those guidelines when there has been a breach. The Premier cannot walk away from it; it is part of his obligation.

I find it astonishing that in a statement in July 1986 to this Legislature, the Premier would say it was time to review the original Davis guidelines, which had not been changed for many years, when in fact during the summer of 1985 his own



transition team had engaged in a process that led to an amendment of those guidelines. In his statement to this Legislature, he never once referred to the new guidelines. He never once said in his statement that he had amended the Davis guidelines, that new guidelines were in place, that they were different from the old ones and that they now allowed for a blind trust.

He never once said that until it was put to him directly in the Legislature. His statement was that it was time to engage in a review of the Davis guidelines, which had not been changed for so many years, and that it was time to come out with new guidelines. He completely ignored, and I am trying to be parliamentary here, the reality of what had happened in 1985 leading up to the issuance to the members of cabinet of this government of new guidelines with respect to conflict of interest dated September 1985.

We deserve better from the Premier of Ontario. In that July statement, he should have been more forthcoming and should have indicated that he did change the Davis guidelines, that they were substantially different from the older ones and that in fact he had his transition team involved in this matter from the very beginning. It is a sorry commentary on the ability of the Premier to manage issues of this nature.

The member for Oriole is one of the people who did not benefit from the way this matter was handled. As I say, I do not know the member personally. I have heard good things about her. I wish her the best personally, but I think we had an obligation as members of this Legislature to make the findings we did, and I do not think there is any doubt about the findings.

16:30

**Mr. Wildman:** I rise to participate in this debate in a very serious way because like most if not all the members of the committee, I found this almost as unpleasant a task as the former minister found it an experience. I did not become a member or run for elected office to be able to look into the personal affairs of anyone, for that matter, and certainly not the personal affairs of members' families. I do not see that as my main role, and it is not why I sought elected office and why I have run four times to represent the people of Algoma.

I realize the member for Oriole has had to go through many months of hearings and discussions in the House and articles in the newspaper that have probably been very difficult, but it was a necessary process. It was the members of this party who initially requested that this matter be referred to the standing committee on public

accounts, because we found it to be a serious one based on serious allegations. We felt the matter had to be aired, as I think the member for Oriole agreed.

I want to respond briefly to some of the comments made by the member's colleague the Treasurer (Mr. Nixon) in his initial remarks. The Treasurer said he believed this was in a way a matter of bad luck for the member for Oriole. I suppose that is one way of interpreting it, but I have found in my political career at least, if not in all aspects of my life, that luck is often determined by what I do or do not do myself. This situation related to what the member failed to do, and the committee found that.

The Treasurer also indicated his warm feelings for the member for Oriole. As a member of this House who has not had the opportunity to get to know the member for Oriole the way the Treasurer has, I never had anything but warm feelings for her as another member of the House who seems to attempt to represent her constituents well and to carry out her duties as a member of the House and as a previous member of the executive council with expeditious effort and hard work.

However, when the Treasurer indicated he had complete trust in her judgement, while I do not question his judgement, I think we have to refer to the findings of the committee. The committee found unanimously, and it is clear in the report, that the member for Oriole did not exercise good judgement in this matter.

The Treasurer also went on to say he had complete confidence in the member's motives. In that regard, I agree with the Treasurer. I do not think the member for Oriole intended to put herself in conflict or to benefit in any way from a conflict that may have existed and that, frankly, the committee found to exist.

I agree that the member did not attempt to use her cabinet position or her membership in this assembly to bring about profit for herself or for her family. I am not confident, though, that others did not attempt to use her position.

I agree with the Treasurer's remark that the matter is resolved now as far as the member is concerned. I believed that when the committee came down with its first report.

I am going to be talking a bit about the process, but I must say I was very disappointed, as a member of that committee, with the remarks made by the Liberal members of the committee subsequent to the tabling of the report and with the remarks made by the member for Oriole.



The committee did not exonerate the member for Oriole. The committee unanimously found that a conflict existed; that, by virtue of his position with Damaza, his position as vice-president of Wyda and the remuneration that accrued from that, Mr. Caplan was in conflict.

I am disappointed to notice the member for Oriole shaking her head. It is in black and white right here. If she still does not accept that as a unanimous finding of the committee, then my view of the whole affair is quite different from what my initial remarks indicated.

All the members of the committee worked very diligently. My friend the member for Waterloo North will agree with that. Obviously, we are all partisan politicians. We all came to the investigation from different standpoints and with different initial points of view, but we all worked very hard to ensure we had a unanimous report. There are reasons for that; partly it was because it was the standing committee on public accounts, a committee that is supposed to be nonpartisan. While many people might be cynical about that, I take that very seriously as a member of that committee and as a member of some long standing.

To be honest, nonpartisanship on the part of the public accounts committee is much easier in a minority situation than it is when there is a majority government. I know the member for St. Catharines (Mr. Bradley), the Minister of the Environment, who was a long-time member of the public accounts committee, will agree with that assessment of working with the committee. It is much easier for it to operate as a nonpartisan body when we are in a minority situation.

We all worked very hard to ensure we got a unanimous report. That was difficult for all members of the House, but it was particularly difficult for those members of the House who were on the committee from the Liberal Party. I admit it was a difficult situation for them, not only because of what they personally took the findings of fact to show but also because they wanted to ensure that the wording of the report was such that it would protect those members of the House, and particularly the member for Oriole, where they should be protected, while at the same time adequately explaining the findings of the committee.

**16:40**

The members of the Conservative Party and of the New Democratic Party on that committee attempted to accommodate those members so we could have a unanimous report. I will say quite bluntly that if we had got to the point where there

was a majority report and a minority report—and I am glad this did not happen—the majority report would have been far more difficult for the member for Oriole to accept than was the unanimous report.

The members of the Liberal Party who were members of the committee know that to be the case. As the member for Cochrane South (Mr. Pope) indicated, at in camera meetings there were extensive discussions about the wording, not only the findings but also the wording, so all members could accept the report and affix their signatures to it.

I draw the attention of the members to pages 61 and 62 of the report. On page 62 it reads:

“Elinor Caplan exercised poor judgement. She intended to comply with the conflict-of-interest guidelines. She did not live up to her responsibilities as a cabinet minister to ensure that she was fully aware of her spouse’s business activity and to ensure that her spouse was in compliance. In testimony before the committee she indicated had she known, “We wouldn’t be here.”

In other words, if the minister had exercised her responsibility to be aware of her spouse’s business activities, she herself would have realized they posed a problem and would have advised her spouse to desist from those activities. I do not think I am reading too much into that. Therefore, there would not have been any need for an investigation by the committee and, “We wouldn’t be here.”

I emphasize the next part of the paragraph:

“There is no evidence of Elinor Caplan having exerted political influence to aid in the decision of the IDEA Corp. to invest in Wyda.”

I believe that and I accept that, and that is why I signed the report; but I also believe the other parts of that paragraph.

The Treasurer indicated he was somewhat concerned about comments that this was a political exercise and a political exchange. He said he understood the political game. I do too. I think the workings of this committee were in the nature of politics in the best sense of the word. There was an attempt by all politicians on the committee to arrive at findings and wordings of those findings all of us could accept. There was give and take and exchange on all sides. Frankly, there was involvement and discussion with other members of our parties, all parties, who were not members of the committee in helping us to arrive at wording.

Politics in the bad sense of the word came into it after we tabled this report. The political response to the report that the Treasurer alluded

to, in my view, was initiated by the Liberal members of the committee, and I sincerely regret that. The wording as it is in the paragraph I quoted was arrived at after serious discussion and give and take, and it was understood that it would be read in the context of a previous paragraph on that same page. That paragraph states:

"Wilf Caplan was in breach of the conflict-of-interest guidelines. He had an interest in Wyda. He participated in the negotiations for the IDEA investment. He was held out as an officer of Wyda."

That is a finding, and that is wording that was arrived at and accepted unanimously. When we read the two paragraphs together, the conclusion does not mean exoneration for the member for Oriole. To have members of the Liberal Party and the member herself conclude in discussions with the press that it meant exoneration led to the political response; it politicized the operation of the committee in a way that it should not have been politicized.

It led the members of the committee to deal with the issue again and to issue a majority report. Frankly, it was a unanimous report because the Liberal members on the committee refused to vote. It was not only a majority vote but also a unanimous one.

The committee issued a finding that made it explicit. It said that if Wilf Caplan was in conflict and the former minister did not exercise her responsibility as a member of the executive council to be aware of her spouse's business activities, which she had admitted, then the member for Oriole was also in conflict.

The Treasurer described committee members as lions, tigers and jackals. I note he did not call us a bunch of wild men. We may be lions and tigers, but I honestly do not think there were any jackals.

I want to move on quickly to a couple of other matters. On the question of judgement, the committee found that the member for Oriole had exercised poor judgement. We found that her spouse was in conflict and, in our view, that meant she was also caught.

As the member for Cochrane South indicated, the testimony before the committee from Mary Eberts was that she had advised Mr. Caplan to sever his relationship with Wyda. We had documentation of this, and we then got into a long discussion of what "sever" means, with Mary Eberts and subsequently Mr. Caplan trying to argue that "sever" means change. Certainly, if you sever your arm, you have changed your

physical makeup, but it is more than just a change; you are no longer attached to your arm.

Mr. Caplan did not follow the advice to sever; he remained involved. Initially, he said he was going to be involved in a way that would not bring him into close or direct contact with IDEA Corp. officials in the negotiations. Then Mr. Caplan admitted, as did Mr. Dobzinski, that when it came to the crunch and the final discussions were taking place, he was in the negotiating room. Even if we take his own interpretation of what "sever" meant and what his obligations were, at that point Mr. Caplan was not living up to his own interpretation of his obligations to avoid conflict. He was directly involved.

**16:50**

As is the Treasurer, I am very concerned that after this government announced publicly in the budget that it intended to wind down IDEA Corp., IDEA became involved in major investments, particularly the one to Wyda. However, I find it passing strange that the Treasurer said that because IDEA was an independent corporation, somehow the government's intention about the future of IDEA was circumvented and that there was nothing the government could do. Evidence before the committee from Mr. Kruger and others indicated clearly that Mr. Kruger was quite aware of what was happening, that he was involved in meetings where this was discussed, that he was a little concerned when he found out about Mr. Caplan's involvement and that he investigated personally.

I understand Mr. Kruger was part of the team that got together in rather hurried fashion to write the response read by the Premier (Mr. Peterson) in the House. Mr. Kruger, who was responsible for the wind-down, was directly involved in this matter. If this government wished IDEA not to make this investment, surely it could have told Kruger, "When you go to that meeting with the directors of IDEA Corp., tell them to forget it." Instead, Mr. Kruger said, "If you are already involved in this, you can proceed."

Finally, I want to deal with my understanding of responsible government and the responsibility of the Premier in this matter. The testimony before the committee was that the guidelines were changed when there was a change of government. The report states on page 61 that the committee found that "the new guidelines were less harsh than those in force previously in that they now expand the blind trust provisions and in that they now allow a private company in which a minister or his or her spouse has an interest to do



business with the government provided the company is placed in a blind trust."

In fact, the Premier weakened the guidelines that had previously been in effect under Mr. Davis. For that reason, we got into this mess. If the Premier and his transition team had not attempted to change the guidelines, but had continued with the old ones inadequate as the committee found them to be, we would not be in this mess, at least with the member for Oriole (Ms. Caplan). I am not so certain this would be true with regard to her colleague the member for Cochrane North (Mr. Fontaine), but at least with regard to the issue with which our committee was seized, if there had not been a weakening of the guidelines, we would not have got into this difficulty.

The Premier is quoted by the committee in this report. He said, "I don't want the system to be so restrictive that it drives people away from politics." The committee found, in looking at other jurisdictions and at the whole issue of blind trusts, that stiffer guidelines do not drive people away from politics. They did not drive most of the members of the executive council under Mr. Davis away from politics.

Interjection.

I see that my friend the member for Cochrane North is exercised by my remarks. I am quoting from a report that was signed unanimously and supported by his Liberal colleagues.

**Mr. Ward:** That was not a quote.

**Mr. Wildman:** It is a quote. I just read it. "I don't want the system to be so restrictive that it drives people away from politics."

I started by saying that I am participating in this debate in a serious manner because I consider it to be a serious matter. If the members of the Liberal caucus, who as I said earlier worked hard on our committee to come up with a unanimous report, do not find this to be a serious matter, they have learned nothing and the government party has learned nothing from this process.

**Mr. Ward:** I think we take it more seriously.

**The Deputy Speaker:** Order.

**Mr. Wildman:** I certainly take it seriously.

**The Deputy Speaker:** Matters have continued at a very nice pitch. Let us keep them that way, please.

**Mr. Wildman:** All members of the committee came in with a number of different wordings and we worked very hard. I am just dealing with the wording that was in the initial report.

The Premier is quoted extensively. I will not read all the quotes from pages 61 and 62.

Basically, he says he did not take any time and he did not involve himself to ensure that the guidelines were being adhered to. I will read one quote. "...I guess in retrospect, if I had to do the whole thing again, I would have done a major review of the guidelines then a very tight cross-examination...I didn't."

I am happy the Attorney General, who now has joined us for the debate, has brought in legislation. I regret he did not wait until the committee that was given the responsibility for making recommendations on this matter had tabled its report before he brought in legislation. However, all through the committee discussions, I said we should have legislation rather than guidelines and I am happy about that. I also said that I believed the legislation should apply to all members of the House and I am glad that the Attorney General's bill takes that into account.

We in this House recognize that we have different levels of responsibility for the expenditure of public funds. It is obvious that the members of the executive council have far more influence on how public funds are expended and on what contracts are entered into by the government than do ordinary members of the House, whether they be government backbenchers or members of the opposition. I hope that when legislation is finally passed, it will recognize the greater responsibility of members of the cabinet. If it does not, we may end up in a situation where the legislation is less onerous and easier to comply with than the Premier's own weakened guidelines. That would be unfortunate.

I also am happy the legislation provides for an independent arbiter, who will assist members to comply and who will be responsible for ensuring that they do comply. I am a little worried that this in itself might produce a bit of a conflict, but that remains to be seen. We will deal with that when we deal with the legislation.

17:00

I will finish by saying that the fact we appoint an independent arbiter must not in any way diminish the responsibility of the Premier to ensure that his cabinet colleagues are in compliance, nor must it in any way diminish the responsibility of individual members of the cabinet to ensure that they, their spouses and their dependent children are in compliance. It is fundamental to our system of responsible government that the members of the cabinet exert that responsibility, that the Premier ensure that they do and that they be responsible to the Legislative Assembly to do that. An independent



arbitrator should in no way remove that responsibility.

I finish by saying, as I said at the outset, that I did not find this process pleasant. I did not find the process this afternoon pleasant. I do not like dealing in personalities. I have been a member of this House for going on 12 years and I do not think I have a reputation for attacking people on a personal level. Honestly, I enjoy attacking. I would like to be in the position of being attacked some day, and by that I mean I wish to be on that side of the House, not that I want somebody over there to attack me over here.

Interjection.

**Mr. Wildman:** In response to that interjection by the Attorney General, who is not in his seat, I will say that I am also the kind of person who will never betray his principles and cross the floor. I believe a member of this House is elected not only as an individual candidate but also as a member of a political party. He owes it to his constituents to live by what he stands for in an election campaign.

**The Deputy Speaker:** Order. This is off topic.

**Mr. Wildman:** It may be off topic, but it is apropos.

Interjection.

**The Deputy Speaker:** Order.

**Mr. Wildman:** Mr. Speaker, I was provoked. I do not enjoy this process. I know it has been difficult for the member for Oriole and her family and I regret that. I hope the member for Oriole will have a long and successful career, but not too successful. I hope she will be able to carry out whatever responsibilities come her way in future, perhaps in a more circumspect way with regard to the matter of conflict of interest. I wish her well.

**Hon. Ms. Munro:** I have followed with a great deal of interest the proceedings of the committees on allegations concerning my colleagues the member for Oriole (Ms. Caplan) and the member for Cochrane North (Mr. Fontaine), debate in this House and discussions following therefrom, and it has occurred to me and to others that one of the recurring issues has been that of process and procedure. Therefore, I would like to focus my comments on the bill, since it speaks to the issue.

It is a privilege to be able to comment on this bill for a number of reasons. The first is that I am proud to be associated with the proposed legislation because it is fair and equitable; the second is that for the first time women are treated as equal members of this House; the third is that

for the first time in Ontario we will have legislation that is understandable and easy to uphold.

Let me speak to each of these points.

**Mr. McClellan:** On a point of order, Mr. Speaker: Unless I misunderstand, the minister appears to be giving a second reading speech on the bill. Perhaps you can ask her to clarify.

**The Deputy Speaker:** I believe she is referring to the bill that is coming. Other people, such as the member for Algoma (Mr. Wildman), have referred to the bill. The minister will carry on, please.

**Hon. Ms. Munro:** Thank you, Mr. Speaker.

We are always quick, particularly when we sit in the benches opposite, to point out that decisions are made by the entire House and not just by the governing party or the cabinet. I was deeply impressed that all previous guidelines called only for cabinet members to disclose their interests or to eliminate any interests. I can understand why this is necessary, but if it is necessary for members of the cabinet who vote on bills, is it not equally necessary for all members of the House who also vote on bills?

**Mr. McClellan:** The member is reading the wrong speech.

**The Deputy Speaker:** The point is well taken. Are you going to tie the reference to the conflict-of-interest bill to the report?

**Hon. Ms. Munro:** No, I am speaking to the bill itself.

**Mr. Breaugh:** On a point of order, Mr. Speaker: It is becoming more and more evident that the minister is reading the wrong speech. Someone has written her what is probably a very fine speech on the conflict-of-interest legislation—

**The Deputy Speaker:** Do not editorialize.

**Mr. Breaugh:** —and we would like to hear it, but it would be nice if at some point she followed your direction and spoke to the matter that is currently before the House.

**The Deputy Speaker:** We are discussing the committee report. Carry on.

**Hon. Ms. Munro:** I can understand why this is necessary, but if it was necessary for members of the cabinet such as the member for Cochrane North and the member for Oriole who vote on bills, it is equally necessary for all members of the House who also vote on bills. This is particularly true in a House such as the one sitting now where bills have been altered by amendments from other parties. It is only logical and

right that all members of this House work under the same rules.

This bill recognizes the importance and responsibilities of each member of the Legislature and recognizes the responsibilities that ministers hold as members of executive council by placing specific restrictions on the members of the cabinet. That too, in my opinion, is logical. I agree that the onus for disclosure rests with the individual member.

As did the preceding speaker, I see the proposal for a full-time commissioner to administer the requirements of the bill as a natural and required measure. For example, it seems the Election Finances Act has a similar mechanism, and I must applaud the Attorney General for including this arm's-length provision for a commissioner.

The bill allows members' spouses to continue in their usual business and professional—

**Mr. McClellan:** On a point of order, Mr. Speaker: It is quite obvious the member has been given the wrong speech, which she is reading. She is reading the speech for second reading of the conflict-of-interest bill. I invite the member to speak to the topic of the day, as I am sure you will want to as well, Mr. Speaker, as a matter of order.

**The Deputy Speaker:** She can refer to the bill as part of her speech in speaking to the report.

**Mr. Breagh:** If she referred to the report in her speech on the bill, it might help.

**Hon. Ms. Munro:** In the context of the report, and as I stated earlier referencing my comments to focus on the bill, the bill allows spouses of members to continue in their usual business and professional practices and puts the members on notice of the involvement of their spouses with specific issues so that members can avoid any conflict.

Several years ago, this House instituted the Municipal Conflict of Interest Act. One of the major provisions of that legislation is that members of municipal councils must decide if they have an interest. To prevent a conflict, they must refrain from participating in debates or consideration and must not vote on the matter. These same provisions are in this bill. Recognizing that there are rumours that some municipal council members are using the terms of municipal legislation to get away from voting on tricky issues, I am sure no member of this House will do this.

17:10

In the past, cabinet members and their spouses and minor children had to divest themselves of their business interests and professional practices to ensure compliance with the guidelines. This is the essence of the reports tabled with respect to both members. The bill attempts to state that such divestment is not required but complete disclosure is. We are therefore changing from a subjective to an objective appraisal of where a member's interests, or those of her or his family, conflict with a public office.

This requirement of divestment must have been vexing for all members of all cabinets over the years but I, as a woman, can tell members it is doubly vexing to female ministers. We live in a society that continues to give prominence to the male, and the male in business. If this were not true, the Attorney General would not have had to bring in legislation to lead to equal pay for work of equal value, but we will not argue that case. Much has been done in the past month to alleviate that dichotomy; much needs to be done.

Let me simply point out that under an old value structure, the man brought home the bacon. Let us assume this bacon-bringer's wife gets herself elected and is considered for appointment to the cabinet. The Premier would have to ask that prospective cabinet member about her bacon-bringer's activities, and her elevation to the cabinet could depend as much on her husband's business activities as on her personal strengths and abilities. I recognize that the same would hold true for the male whose wife was in business, but I can tell members without hesitation that the incidence of unfairness would fall much more on the female than the male.

Under this bill, divestment is no longer required. That is good. It is my understanding that those are some of the facts raised by both committees hearing allegations. The female and the male, in my mind, will be on equal footing for the first time when this bill goes through.

In place of divestment, the bill calls for complete disclosure. I am sure many people will balk at complete disclosure, but I am certain a businessman would rather disclose than remove from his wife the opportunity of serving in a cabinet. What we are doing is changing from a subjective approach to one of objectivity.

No one needs to give up bacon-bringing activities. Now those activities will be a part of the record, and if there is any likelihood of those activities causing a conflict, the member needs only to refrain from involvement in what would be a conflict.



It seems that what we have all gone through in this House are examples of conflict guidelines not working and not being practical. The bill is practical. It is a workable compromise between an intrusion into the private lives of the members of this Legislature and the public's right to know that a public office is not being used for private profit. Indeed, it provides the public with more information than do the existing guidelines.

The bill recognizes the unity and the reality of the family unit, and it allows each individual member within that family unit to pursue his or her interests without sacrificing the interests of his or her spouse or children. Surely those issues are the ones raised, among others, in the conflict-of-interest allegations.

The bill enshrines equality between the sexes and gives effect to our social customs and daily lives. It does this because, in exchange for publicly revealing private interests, the spouse can, for example, pursue his or her occupation without jeopardizing the member's position. These new standards allow more women to enter political life themselves or to have their husbands so involved.

As a woman, I find these new standards encouraging, but I think we have to examine our social history and the previous conflict-of-interest guidelines to see why the enactment of these new standards is so encouraging to women and why such guidelines would not have led to the kinds of discussions and innuendoes within committees.

Let me return for a moment to the matter of typical roles for males and females. I think we know, but do not necessarily accept, that customarily the woman's major role has been as the keeper of the home and a man's major role has been to have an occupation outside the home.

A woman was often defined by her husband's occupation and would assume his status or social position as hers. For example, we referred to a woman as the banker's wife, the carpenter's wife or the politician's wife. There was status in being the carpenter's wife, but the reverse was not true for a man. We had few examples of househusbands by choice, but in general, men were looked down on if they were financially dependent on their wives.

We also perceived the married couple as one entity in which the wife was subsumed to the husband. To a great extent, her outside involvement, her intrusion into the world outside the home, was controlled by him. This was entrenched not only in our social customs—for instance, the woman taking the man's surname—

but also in our legal system. Traditionally, the husband was held accountable for his wife's behaviour, in a way in which women were not so held. A man who was seen to be controlled by his wife was an object of scorn.

It was presumed by the legal system that husbands and wives kept each other fully informed of all their activities, in recognition of the unity of the family. We prohibited one spouse from being compelled to testify against the other, except where the issue was of assault on the spouse or children. Given this pattern of marriage, it is no wonder that few women were able to engage in an active public political role.

The old conflict rules essentially required the minister's spouse, as well as the minister, to divest himself of his business and professional obligations if the minister was to avoid any perception of a conflict of interest. You can see and understand clearly how difficult it was and is for a married woman to become a minister and how many of the proceedings have been clouded because of such a basic misunderstanding.

The likelihood that a husband would be willing to give up his occupation so his wife could become a minister varies. Obviously, it is a difficult question to address. However, I suspect any willingness on the part of the male spouse was subject to socially mitigating judgement. It is not very likely that a man would be willing to give up an occupation when our society expected that man to be the sole, or should we say "significant," provider, the worker outside the home who should not be financially dependent on his wife, or so it seemed.

This is true today and has run like a thread throughout the debate. As a woman, I take exception to it. I also take exception to not being allowed to continue my speech because I tend to put a focus on one end of things while other members allow those other debates on the bill to be the tail-end of their speeches, and so you go. Therefore, it takes an extraordinary amount of courage for a man to decide to let his wife enter politics.

**Mr. McClellan:** It has nothing to do with it. You are completely off topic.

**The Deputy Speaker:** Order.

**Hon. Ms. Munro:** For a male spouse to encourage and live through a wife's designation as a member of an executive council is even more onerous and more courageous.

Mention has been made of previous guidelines and previous ministers, but I submit that, traditionally, for those male ministers it was often easier. Their wives were more than likely



working in the domestic sphere. Even those women had to divest themselves of their businesses or jobs that might conflict with a minister's role.

Historically, these women had few such conflicting interests. Wives were socialized to defer to their husbands' wishes; so presumably they were more willing to make such sacrifices. After all, their status came from being the wives of ministers. On the other hand, men were not given social approval for being the husbands of ministers. Their status arose from their own work; so they would be less likely to abandon their occupation.

Now that double-career families are increasing within the Legislature, the traditional role of the male minister would still have a restricted impact on the wife of today. If we stayed with the old conflict-of-interest guidelines, we would be perpetuating a disincentive to women and certainly a continuing dialogue. It is very clear to me that disincentives are provided, not only within the report itself but also in the ongoing dialogue right here today.

Social customs may be changing, but there are still many more housewives than househusbands and men still receive status from their own occupations rather than from their wives'.

#### 17:20

Are times changing in Ontario? One would not think so if one listened very carefully today. However, it is the case in many Ontario families that both husbands and wives have jobs outside the home, and I think these new standards will assist such families. We still presume, often without basis, that husbands and wives fully discuss their individual activities in detail and as a matter of course. There are increasing instances in which this is not only unlikely but also improbable, and therefore it is unrealistic to expect this assumption to be so.

This bill recognizes the reality of today and in my mind the perplexity and complexity of committees in coming to terms with the communications problems within the committees themselves. The bill, as we all know, requires full disclosure from both spouses without invading the family unit with distasteful cross-examination. It will be the responsibility of the member to ensure that he or she does not participate in any discussions concerning the spouse's interest.

This bill will assist women who themselves wish to be involved in political life. Their husbands will not have to jettison their businesses and careers if their wives are to be eligible for

cabinet positions. It will allow dynamic and creative women who are married to similar men to pursue their own aspirations, but not at the expense of their husbands. It requires a public intrusion into the interests of the spouses, but the bill does not require these spouses to give up their interests.

The standards will preserve families by allowing both husbands and wives to make own occupational choices, obviously in harmony, but will no longer place women in the position of having to choose either a husband or a political life, as some of the conclusions of the committee indicate.

It can be seen from a glance around this House that in the majority of cases the bill will have a significant effect on women who are wives of members. These standards will allow such wives to pursue their own interests, as they will be able to continue with their normal occupations once they have made full public disclosure of such interests. It is intrusive in such a sense but certainly much less intrusive than the present conflict guidelines have been seen to be.

The bill avoids a situation where the wives' professional obligations run into conflict with husbands who have public obligations; for instance, if the wife is a lawyer representing a client in the normal course of business, no conflicts with a member's responsibilities were foreseen. What of the wife's position if matters change suddenly so that such a conflict looms? As a professional, she cannot arbitrarily withdraw from her client's case. Not only would this leave her open to liability actions, but it also would damage her professional reputation. As a wife, to continue to represent the client would be putting her own interests ahead of her husband's and indeed of his obligations to the public.

If this bill is adopted, the appropriate conduct will be for the member husband to withdraw from all discussions of matters involving his wife's client. Such conflicts are rare, but when they do arise the private and public dilemmas are difficult to resolve.

The beauty of these standards is that they give the public even more knowledge than is currently available. Public disclosure statements will be available at all times for regular public scrutiny. I suggest that if we do not adopt this bill, we are limiting the knowledge that is readily available to the public as well as reinforcing the subtle disincentive to women so they are forced to choose between a husband and a political life.

I know all members from all parties will vote to adopt this bill. I know all members from all

parties have taken seriously their responsibilities in committees on allegations with respect to the member for Oriole and the member for Cochrane North. I know all of us want to support a bill that supports equality and fairness, because this House supposedly is about those two qualities.

I thank the House for allowing me to make the comments. I hope all members will understand, as I do, the relationship between such comments and the allegations of conflict about my friends and colleagues the member for Oriole and the member for Cochrane North.

**Mr. Gillies:** As always, I enjoyed the remarks by the Minister of Citizenship and Culture (Ms. Munro). I mean that sincerely; I always enjoy hearing her thoughtful contributions to debates.

There were a couple of points in the minister's speech that I would like to touch on. At the time of second reading of the bill, we will be able to join in a discussion of many of the other points the minister raised in terms of the relative merits and possible problems with the bill.

I wonder whether the speech that was just given was bang on the topic for debate this afternoon, but there were a couple of points that I thought were most germane, particularly the point made by the minister about the difficulties of serving in cabinet for those people who are married or are in a durable relationship of some sort, the difficulties presented for those individuals in maintaining their family and spousal obligations, their various financial obligations and at the same time living up to the yardsticks of propriety set out in the guidelines for members of cabinet.

While I agree with what the Minister of Citizenship and Culture has said about the difficulties and the need for us to structure law and regulation in this area to try to strengthen the families of politicians, I remind the minister that what we are talking about here is nothing new. There were some very excellent women in the cabinet of Premier Davis and in the cabinet of the cabinet of the member for Muskoka (Mr. F. S. Miller), in which I served. As far as we know, they were able to make the adjustments necessary to their lifestyle and activity so they could continue to serve without finding themselves in the kind of situation that led to the filing of this committee report.

It is well to remember as we look in depth at the various activities leading to this report and the regulations, guidelines and so on—I want to come back to this later—that there is definitely a feeling among many of us on the committee that what the Premier did was to weaken the guidelines. In

other words, in the past such members as Margaret Birch, Margaret Scrivener, the member for St. George (Ms. Fish) and the member for York Mills (Miss Stephenson) somehow lived under guidelines that by my interpretation were stricter inasmuch as they did not include the blind trust provision. It is well for us to remember that, but the minister made some good points and I would like to come back to that aspect.

Speaking very directly to this report, I want to take us back to June 10, 1986, when I found myself faced with a very difficult situation indeed. Several weeks prior to June 10, I had raised a matter in this House regarding the Premier's granting of a \$17.5-million grant to the Exploracom project, which at that time was being developed by Abe Schwartz. Mr. Schwartz was known to be a member of the transition team for the Peterson government and a confidant and friend of the Premier. Without wanting to rehash all the difficulties that surrounded that, it became an issue in this House, and through the media it became something of an issue to the public.

I was presented with some information by an individual who understandably wished to remain anonymous at the time. On the heels of that debate and on the heels of that issue, several other things were going on that caused this individual concern. One was the then recent decision of IDEA Corp. to grant a \$5-million investment to Graham Software, with Mr. Graham, the owner of that company, being a past business associate of the selfsame Mr. Schwartz, whom we had so recently been debating in this House. It was also pointed out to me by this individual that the Wyda corporation of Scarborough was in the process of receiving a \$3-million investment from IDEA Corp. and that Wyda was represented by its vice-president of finance and consultant, Wilfred Caplan, the spouse of the member for Oriole.

**17:30**

For several reasons, I found myself in a very difficult situation. Although some may have an impression to the contrary, prior to June 10, I had developed a very affable relationship with the member for Oriole. I enjoyed her. I found her a thoroughly engaging and witty person and, by all accounts, a very capable person. At the same time, I was very concerned about the way some public funds were being used surrounding this whole area of grants, investments and loans, particularly through the aegis of the Ministry of Industry, Trade and Technology.

I found myself on the horns of a dilemma. Does one put aside allegations and information of



this sort, or does one bring it to the public's attention?

As I look around, I believe every member sitting in this House at present has sat in opposition, with the exception of the member for York East (Ms. Hart), who has arrived recently through a by-election. Everyone else in this chamber at present has sat on opposition benches and knows the kind of pressure and the kind of information that is brought to us on an ongoing basis. Like me, any one of the members would have had to make the decision about what to do with that information.

I felt it was important and subject to question. We were talking about investments of a multimillion-dollar nature and scope. Therefore, I saw my obligation to bring this information to the attention of my leader and my colleagues on the question period committee of our party, and we made the decision to ask the question.

In the days that followed—and I will enlarge on this—I found the conduct of the member for Oriole, the then minister, to be thoroughly honourable and completely appropriate. I believed then and believe now that she recognized, even as I was asking the question on June 10, 1986, the seriousness of the situation. As was borne out through the evidence to the committee in the summer sittings, I believe today that she did not knowingly participate in any exercise that was to see her benefit personally. I do not believe the member for Oriole intended to breach the conflict-of-interest guidelines, and in some respects she was a victim in this whole affair.

We are all politicians, and we have to bring our own biases and defences to this chamber. I do not believe the member for Oriole was a victim of an opposition member's questioning. I believe now, as I did then, that the questions I raised and the points I made that led to the committee inquiry were legitimate and serious and had to be dealt with. However, I believe the member was a victim of circumstances, a victim of not being informed of activities that were being undertaken. In fact, in some ways she was a victim of the guidelines, but no more or less so than any other member of cabinet who would be captured by those guidelines.

While I think the behaviour of the member for Oriole was honourable and appropriate, I do not now nor did I at the time believe the response of the Premier, the chief minister of the crown in Ontario, was in any way appropriate or honourable. I was shocked beyond belief today, however many months it is after the June 10 activities in this House, to hear the Premier again

in response to one of my colleagues talking about unfounded allegations, retreating to the diatribe and innuendo that characterized the Premier's initial response to this matter in June.

If the rest of us in this House have learned a lot arising from June 10 and subsequent events, I very seriously doubt whether the Premier has learned anything. I have known four Premiers of Ontario, and I have had the honour of serving in this Legislature under three. I do not recall Mr. Robarts, Mr. Davis or the member for Muskoka resorting at any time to the mean-spirited backlash and tossing around of innuendo that has characterized the response of the Premier in this regard.

**Mr. McClellan:** You do not remember Bill Davis talking about innuendoes?

**Hon. Mr. Sweeney:** You should read the Christmas message of Premier Davis back around 1977. We can give you copies.

**Hon. Mr. Scott:** Take the high road, Phil.

**The Deputy Speaker:** Order.

**Mr. Gillies:** I do not recall a Premier, when faced with serious allegations against one of his ministers, resorting to having his office staff—

Interjections.

**The Deputy Speaker:** Order. The entire afternoon has had a good tone. Let us not break it down.

**Mr. Gillies:** The Attorney General has some concern about this. He is a reasonable man, and maybe he will pass this along to his colleague, the first minister. My colleagues and I on the public accounts committee have been subjected to attacks and innuendo from the Office of the Premier, I believe as a result of this investigation, which I find completely unacceptable. If anybody stands to learn anything from the exercise to which we have been subjected, I hope that person is the first minister.

When I look at recent events, I see allegations being made against my colleagues the member for Cochrane South and the member for St. George. I see the complete fabrication of another matter regarding a supposed \$1-million land deal in which I was reported to be involved in my constituency. It is common knowledge in the press gallery where this stuff is coming from. It is coming from the staff of the Premier.

A more appropriate response to legitimate questions being raised by members of the opposition in this chamber would have been to have made a determined effort to get to the bottom of the problem and to bring in mechanisms that would prevent or circumvent repeti-



tion of these problems. All of us would benefit from that. Because of the honourable conduct of the member for Oriole and others, I believe some good will come of this. However, I have to tell you, Mr. Speaker, I am disgusted; and if any good comes of this exercise at all, it certainly does not come as a result of the attitude or the activities of the Premier.

I want to remind the House of what I said on June 10, when I raised this matter in the House. Basically on the heels of the Exploracom grant, under the supposed high-technology fund, I raised the question of the \$5-million investment in Graham Software and the \$3-million investment in Wyda. I received the first of a number of barrages from the leader of the government, that those were unfounded allegations, gutter, sleazy, etc.—all the stuff he resorts to when he does not have a better answer.

It is well for us to note that since June 10, both of the companies in question have gone into receivership. Police investigations are under way into both these incidents. We have the disappearance of witnesses, one of whom has absented himself completely from the country. We have had questions as to where large amounts of this \$8 million are now. All of this is now subject to review by the Ontario Provincial Police, the Ministry of Industry, Trade and Technology, the Ontario Development Corp. and other agencies.

#### 17:40

This is most unfortunate. It is the position of our party and of the New Democratic Party, as expressed by a vote at the standing committee on public accounts this morning, that we believe this matter to be serious enough that it should be taken from within the government, where there are the players and people who participated in the decision to fund these projects. The investigation has to be taken outside and put to a qualified third party. We suggest a justice, perhaps a Supreme Court justice, who can get to the bottom of this whole matter impartially and clear it up from without. That remains our position. It is my hope that despite the attitude he has displayed thus far, the Premier will reverse his position on this matter and do as we suggest.

Comparisons can be drawn. I certainly believe several things to be the truth. The investments we are talking about through IDEA Corp. are larger and involve more dollars than the federal government investment that is being questioned in the case of the Honourable Sinclair Stevens. I believe the facts and circumstances surrounding both the Wyda and Graham Software investments to be equally convoluted and complicated

and to involve as many parties, if not more, as the investigation under way regarding the federal minister.

For myself, I do not see why there should be a double standard. If a double standard prevails, it is for several reasons. The Exploracom, Wyda and Graham Software investments point to an attitude that was developing within the government. I hope that attitude has changed as a result of the various committee investigations and so on. I believe that may be the case.

The attitude I am talking about was setting in during the fall of 1985 and the spring of 1986: a feeling we were getting on this side of the House because of the government's standing in the polls, which was extremely favourable because of the honeymoon that can envelop a new government, an understandable feeling of goodwill on the part of the public, a feeling of fairness in wanting to give the new guys a chance, all of which is legitimate and with which I do not quarrel.

In that kind of atmosphere, I believe a feeling developed on the part of government ministers that they could get away with murder, that they could pull off some things, grant some investments and give \$17 million to a buddy's computer museum and so on because they were generally enveloped in an atmosphere of goodwill and forgiveness. I believe that to have been the attitude this government was starting to develop latterly. I hope and believe the investigations into both the Caplan and Fontaine affairs have shelved that attitude. To be fair to members of the Treasury benches, I have not seen that attitude raising its ugly head quite as frequently as I did several months ago.

Subsequent to June 10, we were faced with a belated decision by the Premier to have the public accounts committee investigate this whole situation. As I noted, in the first instance on June 10 I did not suggest that the minister should resign. At the time, we were asking for information and wanting to get to the bottom of the thing.

June 10 led to subsequent questioning, but the rather startling fact that the retainer under which Mr. Caplan was operating had increased did not originate with me but in an article in the *Toronto Sun*. That, as much as anything, led to the minister's decision to offer her resignation on the subsequent Monday. I know what a difficult decision that was for the minister. While she may not believe that we in the opposition cared or were worried about what she was going through at the time, I want to tell her we did. It caused me a great deal of concern at the time, but I believed

then and I believe now that she did the right and honourable thing and allowed the House to try to arrive at some determinations as to what happened.

Let us look back through the committee report at some of the events surrounding this, at what we have before us as to what we know and what we do not know.

The public accounts committee was charged with determining four things: What was the meaning and scope of the guidelines with respect to conflict of interest dated September 1985? Had there been an apparent breach or an actual breach, either deliberate or inadvertent, of the guidelines? What was the nature and extent of the investment by IDEA Corp. in Wyda? Did the existing guidelines impose adequate and/or clear obligations and restrictions on ministers of the crown?

We can go through the affair on that basis, and first, on the meaning and scope of the guidelines. This matter has caused some controversy and disagreement among members of the public accounts committee and in my opinion led to the issuance of the second report by the committee. The first report, which we are debating right now, laid out the guidelines as amended by the Premier, the original guidelines having been put in place by Premier Davis in 1972.

There was one substantive change in the more recent guidelines, and that was the change that saw the so-called blind trust provisions strengthened, becoming part of the process under which ministers operate. This is an area of partisan disagreement. I am not trying to speak *ex cathedra*, but this is the point that we in the opposition often refer to as the weakening of the guidelines, because we believe ministers were under a much greater obligation to divest, and in more circumstances, than are the ministers serving under the current administration.

Why is this important? It is important because we are talking about a blind trust in terms of the minister's interest in Damaza, her husband's consulting firm. Although we can argue as to when Mrs. Caplan divested herself of her interest in Damaza, the record should show that she did make an effort to do that and believed that by divesting herself of her share, she would be removing herself from a direct conflict vis-à-vis Mr. Caplan's consulting firm. I am not going to quibble about whether that should have been done a week earlier or a week later or whatever. Let the record show that the member recognized the need to divest and moved to do so.

Under the guidelines, as amended and indeed as previously, the wording shows very clearly that a minister and spouse are covered by the provisions of the guidelines. This is very important, because this is where we got into difficulties at the tail-end of the first report, the question being, was the member for Oriole in conflict of interest or not?

I can see how there can be disagreement over this. The Treasurer does not agree with a couple of the earlier speakers, my colleague the member for Cochrane South and others. I would have thought it was very clear. The guidelines stipulate that minister and spouse are to be brought under the conflict-of-interest guidelines and are to comply. My interpretation would therefore be that either partner breaching the conflict-of-interest guidelines constitutes a breach also for the minister. If the spouse breaches, the minister is captured by the guidelines. This has become one of the crucial areas of disagreement between the members of the governing party and the opposition parties on the committee.

**17:50**

The first report stated implicitly that the member for Oriole was in conflict of interest because the committee found that her husband was in conflict of interest. Whether by intent or not, whether knowingly or not, the then minister was also in conflict. Looking back, if we made a mistake with the first report, it was simply that this finding should have been stated explicitly rather than left implicit in the report. Being worded the way it was, the report left the Liberal members of the committee in the position of being able to say the member for Oriole was not in conflict of interest because nowhere in the report did it specifically state she was in conflict. What the report explicitly stated was that Mr. Caplan was in conflict and that the minister exercised poor judgement.

Our committee erred. In my opinion, the first report should have made explicit what was implicit. I point a finger at no member of the committee, because we worked long and hard all through the summer at this process. I can see how the disagreement arose, and I can readily understand the misunderstanding at the time the first report was tabled. I do not believe any one individual on the committee was culpable for deliberately trying to mislead the public. It was a legitimate disagreement. However, I stand very firmly on the side that says that for those ministers who are married, if their spouses breach, they are in breach. It is as simple as that.



**Hon. Mr. Nixon:** That is a good reason not to get married.

**Mr. Gillies:** My friend the Treasurer says it is a good reason not to get married. That has never crossed my mind. I suppose it is. This is something we have to wrap our heads around as we come to the examination of the legislation alluded to earlier by the Minister of Citizenship and Culture. Somehow, we have to structure this so we do not drive people away from politics because their spouses are successful in business.

**Ms. E. J. Smith:** Please do that.

**Mr. Gillies:** I hear my friend the member for London South saying, "Please do that," and I understand. At the same time, we have to make sure we do not weaken the guidelines to the extent that members of the executive council or their spouses feel they can get into a lot of business dealings with the government. No matter how the guidelines are structured, we all know we are not supposed to do that. That has never been the way it has been done. If you ever got caught, you were in a heck of a lot of trouble.

We are not here to benefit as members. We are not intended to benefit as members from decisions of the government that involve, in this case, millions of dollars of public funds. It is not supposed to happen that way. We cannot allow it to happen that way. We have to balance those two priorities somehow and, with the collective wisdom of this House, come to some sort of decision on that.

The specifics of the case as brought before the committee through the summer are voluminous, but I would like to take some time to review some of the pertinent facts surrounding this matter.

At approximately the time the 1985 election was being held, the accord was being signed, the new government was taking over and so on, some changes were going on in the Caplan household. This came forward to the committee. Mr. Caplan had finished with a previous business commitment and had reactivated his then-dormant consulting firm, a family concern, Damaza Consultants, and was of course out looking for clients. This was happening at the same time that the new government was being formed and the member for Oriole was being admitted to the executive council.

All this was put before the committee, and while I do not want to get into too much detail, at the selfsame time two things were happening that one can see might lead to problems. At the same time the minister was taking over her new responsibilities for a very complicated portfolio, and at the same time she was trying to bring

herself into conformity with conflict-of-interest guidelines and any number of requirements that fall to any of us who have ever served in cabinet, her husband was setting up a new business and looking for clients. Some of those clients, as it turned out, were going to be dealing with the government of Ontario.

In the committee, we conceded that it must have been a very busy and even confused time for the minister in terms of what was going on. However, once Mr. Caplan had made the decision to take on the Wyda company as a client, there were discussions subsequent to that decision with the people who were advising this government on matters of conflict of interest.

Mary Eberts, a well-known Toronto lawyer, was acting as an adviser to the government during the transition, specifically on conflict-of-interest matters. The official of the Ministry of the Attorney General, the assistant deputy minister responsible for conflict of interest, Blenus Wright, was also contacted about Mr. Caplan's proposed client and what would be happening there.

Correspondence was exchanged, and efforts were made by the minister's staff at the time to ensure that papers were filed and that compliance was reached during that period, but this process was not without problems.

At one time, Mary Eberts wrote a letter to the member for Oriole in which she indicated concern about the nature of the relationship between Mr. Caplan and Wyda. This much-discussed letter from this period was one of the prime pieces of evidence which the committee had to come to some conclusions about. It was the piece of evidence in which Ms. Eberts advised Damaza Consultants to sever its relationship with Wyda because of the impending search by Wyda for provincial funding for the development of the company and its product.

One thing that became a perennial problem during the sittings of the committee was whether the word "sever" was advice to do just that—bang, sever; cut off the relationship—or whether "sever" could be taken to mean to alter or change the nature of the relationship and the retainer between Wyda and Damaza. This was a matter of some controversy, but the committee decided to take the literal interpretation, that "sever" meant just that: to cut off and finish the relationship because it could lead to problems of a conflict nature.

Mr. Speaker, I see it is almost six o'clock. As I know other members of the committee wish to speak on this matter, I wonder whether it would



be appropriate for me to move the adjournment of the debate.

On motion by Mr. Gilliès, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Nixon:** I would like to indicate the business of the House for the coming week.

Monday, December 15: third reading of Bill 14, oleomargarine; Bill 26, retail sales tax; Bill 131, assessment; Bill 7, charter provisions; second and third readings of Bills 168 and 169; followed by estimates of the Ministry of Inter-governmental Affairs.

Tuesday, December 16: Bill 167, assessment freeze, plus legislation from the following list: Bill 112, pollution penalties; Bill 90, police

complaints; Bill 161, courts of justice; Bill 139, model law; Bill 127, surveyors.

Wednesday, December 17: interim supply motion; Legislative Assembly committee report on standing orders extension; Bill 158, insurance exchange; Bill 108, insurance; followed by legislation not completed on Tuesday.

Thursday, December 18: in the morning, private members' business standing in the names of the member for Oakwood (Mr. Grande) and the member for Downsview (Mr. Cordiano); in the afternoon, any legislation not completed on Wednesday and third readings as necessary, followed by adjournment.

The House adjourned at 6 p.m.

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Monday, December 15, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 15, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### TELEVISION IN LEGISLATURE

**Mr. Partington:** As we come to the end of the first full sitting to be broadcast to the province through television coverage, I would like to pay tribute to Bill Somerville and his staff.

We have seen many entertaining, emotional, enlightening and sometimes boring presentations during the past few months. Members have been caught with mouths yawning, eyes closed and, in the case of the member for Brampton (Mr. Callahan), shoes off.

All kidding aside, the addition of television to the House has added to the dissemination of information about what we do here. The director of education for East York, Dick Dodds, may have difficulty understanding the process, but I am sure many insomniacs across Ontario appreciate our efforts.

Once again, thanks to the legislative broadcast and recording service for a job well done.

### ARMENIAN MEMORIAL DAY

**Mr. Warner:** In 1916, Anatole France said in a lecture at the Sorbonne: "Armenia expires but will be born again. The little blood that is left to it is precious blood which will generate a heroic posterity. A people who do not wish to die will not die."

Genocide is a terrifying word. Reasonable, rational people have difficulty believing that anyone would want to exterminate an entire race of people. It becomes equally difficult for many of us even to talk about such a horrible part of our history, but we must talk about it. The world should learn about the Armenian genocide and never forget the event.

When Adolf Hitler decided to exterminate the Jewish race, one of the things he said was, "Who will remember the Armenians?" We should remember the Armenians. We should have an opportunity each year to remember the Armenians, namely, April 26.

It is unfortunate the Conservatives in Ottawa have decided to neglect the campaign promise

they made, but surely all of us can raise our voices here and say we shall never forget the Armenians.

## ARTS FUNDING

**Mr. McLean:** I would like to take this opportunity to comment on the recent funding announcement by the Minister of Citizenship and Culture (Ms. Munro) for various cultural groups and other institutions. According to the most recent economic figures, the funding increase of four per cent will not observe inflationary increases in many sectors of the economy. There will be little opportunity for expanding programs; in some instances, groups will receive less than the rate of inflation.

This appears to be a contradiction of the stated goals of the present minister. As recently as September 1986, the minister stated "the Ontario government has made cultural developments a priority. We are now about to move ahead, confident that our major cultural institutions are developing a stable base and an enduring infrastructure."

In the light of this recent funding announcement, the minister has not lived up to her promises. Many of the cultural institutions involved provide an incalculable service to the communities they represent. Many are in rural areas where access to large cultural events is limited. The vitality of these groups must be preserved. It is incumbent on this government in time of economic prosperity to provide greater assistance to our art groups and institutions.

## AUTOMOBILE INSURANCE

**Mr. Swart:** It is unbelievable that the Minister of Financial Institutions (Mr. Kwinter) continues to refuse to order an in-depth comparison of the rates and policies of the driver-owned public auto insurance plans in the three western provinces with those of Ontario's system. I wonder that anybody would not want to know why rates in comparable communities in Manitoba are at least a third lower than they are in Ontario; why rates in Manitoba have gone up by only 8.4 per cent in the past five years compared to a 40 per cent to 50 per cent increase here; how those public plans can charge good drivers the same rate regardless of age, sex or marital status; why in the public

auto insurance plans only the guilty drivers, not everyone in a household, pay penalty rates; or how the public plans in the west ensure that all motorists have insurance, unlike Ontario which has 250,000 people driving uninsured.

Why would any minister who subscribes to responsibility not carry out a resolution of this House calling on him to authorize an independent, comprehensive and in-depth comparison of the rates and policies of those plans with those of the plans in Ontario? The answer is obvious. Because of the minister's philosophical bias and close ties with the giant insurance companies, he does not want the people of Ontario to know the advantages of the public plans. He simply does not want the people to know.

#### TABLING OF POLL RESULTS

**Mr. Harris:** I would like to read a quote from Hansard:

"We must share all information freely and openly with those who belong to other parties and with those who belong to no party. We must give people the information they need to participate in the process of government.

"For example, why should it be the exclusive prerogative of the government to see polls taken with public money? They should be available for all, for opposition parties and for everyone in this province, to study, examine and draw one's own conclusions. Our guiding rule should be simple. Any information that helps the government to shape policies should be available to all so that they can assess those policies."

That is what the Premier (Mr. Peterson) said one and a half years ago. Seven months ago, the Premier said, "I do not take polls." When asked on October 22 what polls he had commissioned, the Premier asked for 13 weeks to prepare an answer. Obviously, he does polling to the extent that it will take 13 weeks to figure out what all the polls are so he can table the answer. I find this unbelievable—13 weeks to respond for a Premier who cannot decide whether he conducts polls, let alone whether he believes in sharing these polling data? Who is the Premier trying to kid?

[Later]

**Mr. Harris:** Mr. Speaker, a minute and a half ago, I was on my feet talking about polling information, and I am glad to carry on in the 30 seconds you have provided to me.

This is another example of the government, by grandiose pronouncement and grandiose press release, saying it believes in one noble principle, but its actions belie that and give rise to another. Once again, we ask, does the Premier believe in

sharing polling information or does he not? It is obvious to us that these grandiose pronouncements and press releases are one thing, while he is quietly doing something else on the sly. If that is not the case, why will he not table those full results today?

#### STUDENT PEACE GROUP

**Mr. Allen:** In recent years, polls and studies of young people and their fears and attitudes with respect to nuclear war have indicated one of the major problems they have is that their parents and teachers simply will not or do not discuss this issue with them and help them to cope with it.

In the past few weeks, a group from Montreal known as Students Against Global Extinction has been travelling this province and meeting with our high school students. They have a remarkable reputation, established over a few years in Montreal and in Quebec, where they have won the praise of administrators, teachers and students for the frank, intelligent and mature way in which they have opened up this subject for their fellow students.

The National Film Board has recently commissioned a team to record this exercise across the country for use in our schools and by young people and in our communities. The film board has done its usual funding, but that leaves some funds short in the needs to produce this film. In August and again in October, a request was made to the Minister of Education (Mr. Conway) to assist in this task and to provide some funding from the learning materials development fund.

I want to stand on behalf of our members in this Legislature, and I hope other members, to encourage the minister to provide every support he can for recording this document for future use.

#### TABLING OF INFORMATION

**Mr. McLean:** Some months ago, I had several questions in Orders and Notices in this Legislature. I find deplorable the way the government is answering these questions. I find it difficult to understand why a question I had in Orders and Notices last July has never been answered. I have had many questions there that are very important to the ratepayers and taxpayers in this province. It is hard to understand the incompetence this government is showing towards the people of Ontario.

#### VISITORS

**Mr. Speaker:** I ask all members of the Legislative Assembly to join me in recognizing in the Speaker's gallery today the Minister of

Education for Jamaica, the Honourable Dr. Neville Gallimore, and the Deputy High Commissioner for Jamaica, Mrs. Kay Baxter. Welcome to the Legislature.

13:44

## STATEMENTS BY THE MINISTRY AND RESPONSES

### WEILER REPORT

**Hon. Mr. Wrye:** I have two fairly brief statements.

In early 1985, the government of the day asked Professor Paul Weiler to conduct an analysis of pension systems for injured workers with permanent partial disability. Professor Weiler has completed this task, and I am pleased to present his report and its appendices to the House today.

As honourable members will see, Professor Weiler has recommended, as he did in his 1980 report, Reshaping Workers' Compensation in Ontario, that a dual-award system of compensation be adopted. Such a system would recognize both the economic and noneconomic loss suffered by an injured worker with a permanent partial disability.

Members will notice there are some differences between the recommendations in this report and his earlier recommendations. He recommends now that the award for noneconomic loss should take the form of a lifetime pension, rather than the lump sum payment he proposed in 1980. He has also proposed a wage loss award as a second component of a dual-award system.

Today's report will generate considerable public interest. I think a full, well-informed public discussion of the matter is necessary. Accordingly, I have instructed my ministry to make the report more widely available as soon as possible. In addition, the government will be referring the report to a committee of this assembly for its consideration.

**Mr. McClellan:** I want to respond to the statement of the Minister of Labour about the long-awaited Weiler report. What we have, to nobody's surprise, is a warmed-over, rehashed version of the report Mr. Weiler issued in 1980.

For this we have been waiting 18 months. For this rehashed, warmed-over 1980 Weiler version, the minister has postponed reforms to the Workers' Compensation Act, has postponed eliminating the infamous meat chart approach to compensation and is now proposing, if one can believe it, to waste everybody's time further by sending this magnum opus to a committee for further deliberation.

Just so members will understand what is being proposed, by way of an example, an injured worker with a 20 per cent permanent partial disability injury for a low-back injury, under the Weiler version that was presented today, would get the magnificent sum for pain and suffering of \$500 per year from the Workers' Compensation Board. That is per year, not per month or per week but \$500 per year, which would be 20 per cent of 10 per cent of the average industrial wage; that is what Mr. Weiler is recommending for pain and suffering.

Second, he would receive a wage loss award on a formula that would be totally up to the discretion of the Workers' Compensation Board for the nature of the award, the amount of the award and the duration of the award, which would be given for a maximum of three years.

I do not think I could possibly have dreamed up a more unjust, a more unfair, a more ridiculous and a more unacceptable set of proposals than the minister has tabled in the House today, which he should at least have the decency to dismiss out of hand.

Another feature of the report is the magnificent proposal to replace the current meat chart of the Workers' Compensation Board with the meat chart of the American Medical Association.

I say once again that we are fed up to the teeth with the inactivity of this Minister of Labour and with his continual excuses for inactivity and inaction. The minister has had 18 months to bring forward proposals to reform the Workers' Compensation Board. If this is all he can do, he should ask to be relieved of his onerous duties, step down and let somebody else do the job.

### WORKERS' COMPENSATION

**Hon. Mr. Wrye:** It was a little less than a year ago today that I had the honour to present to this assembly a bill to provide for an automatic annual adjustment in workers' compensation benefits tied to movements in the consumer price index and designed to take effect every January 1.

I am pleased to inform honourable members this afternoon that, effective January 1, 1987, workers' compensation benefits and the ceiling on covered earnings will rise by 4.4 per cent. When this assembly approved the annual adjustment legislation last December 17, it provided Workers' Compensation Board pensioners with protection against increases in the cost of living as a matter of statutory right.

When this assembly voted for the bill, it made a commitment to compassion, wisdom and



foresight. The announcement I have just made is a fulfilment of that commitment.

**Mr. Gillies:** By way of response to the two statements made by the Minister of Labour, I indicate on behalf of our party, first, that we welcome the increase he is announcing to the workers' compensation benefits. I can only echo the words of the minister that the change in the indexing system last year does not seem to have caused any additional problems to the WCB above those it is already experiencing. We are glad that at least this aspect of the operation is working.

With regard to the new Weiler report on the question of permanent partial disability, we will read it with interest. I have had a chance to flip through some of the points made in this report. It leaves more questions unanswered than it answers. It asks the basic question, should there be a change in the system or should there not? I do not think there is any disagreement in this House that there should be changes. We are willing to look at whether we should go to a dual-award system, whether, to quote the report, it should be a "duplicative or a redistributive award." But there is woefully little by way of conclusion in this statement, and it causes us some concern.

I am sure the minister will agree—he would have to agree—that there is a great deal of unhappiness surrounding the Workers' Compensation Board. This report does not speak to the cost of reform. It does not speak directly to the ongoing concerns of injured workers and the labour movement about the continuing existence of the meat chart. On the other side of the coin, it does not speak to the legitimate concerns of the business community about skyrocketing assessments and costs of the board.

There are details in here that I think may have merit. On the question of the rating schedule, a switch to the American Medical Association guide as opposed to the system now used may have merit; we are willing to look at it. I suppose we can do so when the committee of this Legislature examines the report. However, on the big, substantive issues that face the WCB, we do not see the kind of answers in this report that we believe the minister should be bringing forward, not in the future, not by way of future stalling tactics, but now.

#### SERVICE SECTOR

**Hon. Mr. Nixon:** I am pleased to table the final report of a major study of the service sector in Ontario. This study was carried out under the direction of George Radwanski, who was ap-

pointed by the government in October 1985 to examine the role of the service sector in Ontario's economy and to identify opportunities to further strengthen the contribution of this important sector to the creation of wealth and employment for Ontario.

The service sector now accounts for 73 per cent of employment and 70 per cent of gross domestic product in Ontario. It is expected to provide some 80 per cent of all new jobs over the next decade.

The wide-ranging report I am tabling today analyses the roles of education, entrepreneurship, social policy and export initiatives in a strategy to maximize growth opportunities in an economy where knowledge-intensive services play such an important role. It also assesses the likely applications that a Canada-United States free trade deal would have for the service sector and it looks at some initiatives for specific industries.

I call the members' attention to the attractive binding of this report, which has my personal approval.

**Mr. Pope:** In brief response to the statement of the Treasurer, as he so aptly put forward, the most noteworthy item in the study is the colour of the cover. That is what the Treasurer found noteworthy, and I agree with him.

I hear we have a study of the service sector, which the Treasurer now predicts will take 80 per cent of the future jobs in Ontario. The priority of this government is to study the service sector and to study the issue. In the meantime, the resource sector is going to hell in a hand basket, and this government is doing nothing about it.

The Premier has failed in his free trade discussions in Vancouver. He has failed to protect jobs in the mining industry and he has failed to protect jobs in the steel industry. He has not addressed the coming problems in the automotive manufacturing and assembly sector. He has failed to address the coming problems of international competitiveness in the manufacturing sector at all. All the workers in these industries will see with some interest that this government is interested only in the service sector.

#### LIQUOR WAREHOUSE

**Hon. Mr. Kwinter:** On November 26, 1986, I made a statement in the House responding to the Provincial Auditor's comments relating to the Liquor Control Board of Ontario.

At that time, I mentioned that the LCBO had established a task force to look into certain

inventory shortages or discrepancies at the Kipling Avenue leased warehouse and two public warehouses. I have now received a copy of the final report and I am today making it public by tabling it with the Clerk of the House.

As I said in my remarks on November 26 concerning the two public warehouses, the Provincial Auditor indicated acceptance of the conclusion reached by the LCBO internal auditors that the discrepancies were due to errors in bookkeeping.

In connection with the Kipling Avenue leased warehouse, the task force report indicates \$76,000 in unexplained differences. The report goes on to say: "...there is sufficient evidence to conclude that most discrepancies are attributable to recording and reporting errors. By extrapolation, this amounts to approximately \$358,000, leaving less than \$76,000 as unexplainable differences. Given that the LCBO is aware of five convictions of theft, it is possible that this amount could be attributable to theft."

A copy of the task force report has been forwarded to the Provincial Auditor.

**Mr. Philip:** With reference to the statement of the Minister of Consumer and Commercial Relations, we have brought up in this House over and over again the problems at the Kipling Avenue warehouse. I say to him that the matter will be going before the public accounts committee, which will get to the bottom of where the booze has disappeared to.

**Mr. Swart:** I want to comment too on the report of the Minister of Consumer and Commercial Relations on the LCBO task force. I am amazed by what is not in it. There is no mention of whether there is a continuing police investigation going on, even though about \$76,000 worth of liquor is missing. There is no commitment in this report to implement the recommendations made in the task force report.

The minister has treated this with the kind of indifference it does not deserve. He should be doing a job to get that place in order.

#### MINISTRY MANAGEMENT PRACTICES NURSING HOMES

**Hon. Mr. Sweeney:** I have reviewed the Provincial Auditor's report with staff from my ministry. The report deals with two subjects that touch directly on the ministry's operations. These are the inventory management system and inspections of homes for the aged.

Essentially, my staff and I agree with the Provincial Auditor's concerns that more attention must be given to control of our inventory of

fixed assets. A draft of the Provincial Auditor's findings on movable assets was presented to my ministry in September 1986. Since that time, I am pleased to report that a number of specific actions have been taken to improve deficiencies noted by the Provincial Auditor.

In his report, the auditor noted that only 153 of our 194 ministry cost centres had completed physical inventory counts. As of this date, however, I am pleased to report that physical inventory counts have been completed in all of our 194 cost centres and I feel that our inventory system is now fully up to date.

Looking towards the future, our capital and administrative services branch staff have reviewed the inventory management system. Changes will be made to ensure that our reporting system is more easily maintained and that more useful reports on the condition of our fixed assets are produced for management.

The Provincial Auditor's comments on homes for the aged are more difficult for this ministry to implement. Basically, we do not agree the ministry should begin to carry out detailed inspections of these homes. In discussions with the Provincial Auditor, we pointed out there are significant differences between, on the one hand, private, profit-making nursing homes and, on the other, charitable and municipal homes for the aged. We are confident boards of directors of our charitable homes are deeply concerned about the quality of care for their clients.

Earlier this year, my ministry developed a document entitled Ministry Accountability Framework. It outlines the kinds of formal relationships my ministry wishes to develop with all its funded agencies. The salient point in that document is that the management of agencies is the responsibility of the boards of directors. These boards should be held primarily accountable, where appropriate, for the quality of care their clients receive.

Many boards require support and ongoing assistance to carry out these responsibilities. The kinds of tangible supports provided to the boards to help them manage their programs will include training packages for new board members, program guidelines and manuals, professional consulting services and access to research and statistical data on management issues.

Some of these supports, such as specialist expertise and program guidelines, are already in place. Other supports, such as training packages for new board members, are being implemented. I intend to appoint a senior staff member within



the next few weeks to be responsible for putting this new accountability policy into effect.

We are working co-operatively with our associations in the development of this framework and we have their support. Because this initiative will take some time to be implemented fully, I am reviewing the practices of our program supervisors to ensure they can continue to support our agencies.

However, in the long run, I agree with the comments of the president of the Ontario Association of Homes for the Aged, who said, in a letter to the editor of the *Toronto Star* on December 5, "We know there is always room for improvement but suggest the current system is more protective of residents than" would be "a rigid adversarial monitoring system."

Last, I would like to comment in a general way on the follow-up procedures on audit recommendations. Like other ministries, my ministry has its own internal audit program. Many of the findings noted in the Provincial Auditor's report are drawn from our internal reviews.

Where management agrees that auditors' recommendations need to be pursued, we have very specific procedures in place. All audit recommendations are summarized by responsibility centre. Individual managers who are responsible for implementing changes are identified. Three times each year, staff in the audit branch reviews the progress made in implementing changes. Reports on progress and difficulties in compliance are raised with senior management. I am confident we are pursuing audit recommendations in a thorough and systematic manner.

I conclude by expressing my personal appreciation to the auditor. The work undertaken by his office, mandated by this Legislature, gives us in government a crucial second opinion on our management practices and procedures.

**Mr. Andrewes:** By way of response to the statement of the Minister of Community and Social Services, on page 3 the minister indicates, "The Provincial Auditor's comments on homes for the aged are more difficult for this ministry to implement." I do not find that statement surprising, but on the other hand, I think he continues to add to the confusion.

Clearly, this is the issue. He points out that the auditor is confused by the plethora of delivery mechanisms for care for the elderly. He points out that there are significant differences between, on the one hand, private profit-making nursing homes and, on the other hand, charitable and municipal homes for the aged.

The auditor is confused. The public who are asking for these services are confused. The people who are living in these institutions and their families are confused. They are confused about who is to deliver what level of service, who is to pay for this level of service, where the accountability is and where the equality in level of funding is.

Surely the public deserve a better explanation because they deserve to be assured that in the services they are seeking, whether they be in homes for the aged, in charitable or municipally run homes or in nursing homes, there be a level of service that is consistent.

Surely that points out the need for the minister, his colleague the member for London North (Mr. Van Horne) and his colleague the Minister of Health (Mr. Elston) to proceed with the extended care legislation.

#### MINISTRY MANAGEMENT PRACTICES

**Hon. Mr. Kerrio:** I would like to inform the House of action my ministry is taking in response to the Provincial Auditor's report.

My ministry takes the Provincial Auditor's reports very seriously. We use them to improve our administrative and management practices and we find the advice and comments they contain extremely helpful. They are an integral part of the ongoing refinement of my ministry's management processes. My ministry has a strong senior management committee, chaired by my deputy minister, which reviews all auditor's reports and makes sure corrective action is taken.

The auditor's report stated that 3,500 movable assets worth \$1.7 million were missing from my ministry. This is not quite correct. The source of the auditor's figures was not a report of missing items; it was a computer list of incorrect records caused mainly by a series of office relocations and building renovations.

Our present task is to correct these records, and we expect this to be done by March 31, 1987. We are also taking physical counts and reconciling these with inventory records. This process should also be completed by that date.

We have also established a task force prior to the audit to review our movable assets control program and make recommendations to improve it. These improvements will be in place by April 1, 1987.

The auditor's report called for strengthening management control of the W. Darcy McKeough Floodway project. The final phases of this project will be overseen by a program manage-



ment committee comprising ministry and conservation authority personnel.

Finally, Management Board secretariat is reviewing the application of the Income Tax Act to ministry housing and the implications for taxable benefits. We expect a report will be made by the end of the fiscal year. My ministry will be guided by the provisions of that report.

**Mr. Philip:** The Minister of Natural Resources did not say in his statement whether all of the 3,500 assets costing approximately \$1.7 million are now accounted for. It is little wonder that this minister cannot count the trees in this province, since he cannot even count the desks in his own ministry.

When the auditor's report was tabled, showing that this government is so disorganized that two of its ministries did not even have any kind of accounting system whatsoever for movable assets, a story was leaked from the Office of the Premier, in which two members of the standing committee on public accounts were publicly slandered. Since then, there has been no public apology to those two members from the Premier's office. If the Minister of Natural Resources is not gracious enough to apologize to the member for Cochrane South (Mr. Pope) and the member for St. George (Ms. Fish), then at least the Premier (Mr. Peterson) should stand in the House and give an apology for the slander on the movable assets apparently attributed to his office.

### MEMBERS' PRIVILEGES

**Mr. Speaker:** Before I call for oral questions, members will remember there was a discussion on a point of privilege last Thursday. I have reviewed it and have a fairly lengthy reply to the member. I ask your indulgence. I hope it may clarify the difference between a point of order and a point of privilege as well.

On Thursday, December 11, 1986, during the question period, the member for Brantford (Mr. Gillies) rose on a question of privilege, alleging that the Premier (Mr. Peterson) had wrongly interpreted what he had said and objecting strongly to the fact that the Premier had intimated the member had no confidence in the Ontario Provincial Police.

After hearing several members on this point, I undertook to review what had been said and report back to the House. I think it is important to set out the proceedings as they occurred last Thursday.

First, the member for Brantford, in asking a question of the Premier, used the following

words: "The nature of the inquiry in this matter becomes very important. The Premier cannot have officials of his government investigating a mishandling of a matter by his government."

Second, the Premier, in replying to the honourable member's question, stated the following: "I think the honourable member made one of the most outrageous propositions I have ever heard in this House. He said that he does not have faith in the OPP to be objective and go into this matter."

Third, at this point the member for Brantford rose, objecting to the use by the Premier of the statements just quoted. What he was doing at this point, when he rose on a question of privilege, was in fact an attempt to set the record straight. That is perfectly in order in our practice, and Beaudesne refers to it as point of personal explanation: May, page 355; Beaudesne, fifth edition, page 101, line 20.

The matter could rest there if it was simply a matter of setting the record straight, but I interpreted the gist of the member's question of privilege to intimate that he desired the Premier to withdraw the offending words.

Let me now go into various definitions of terms that are used in this chamber to bring certain matters to the attention of the Speaker.

The first is a question of privilege. This procedure is an extremely limited one in our parliamentary tradition and should be used sparingly. It is the appropriate procedure when a member feels he or she has somehow been impeded in his or her duties as a member of the Legislature. That is to say that arguments on a question of privilege should tend to convince the Speaker that a member has been somehow stopped or restricted in his or her duties. This procedure should be followed by a motion which would be put to the House if the Speaker, after studying the facts, found that there was a *prima facie* case of privilege. Both May and Beaudesne define privilege as follows:

"Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the high court of Parliament, and by members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

"The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are 'absolutely necessary for the

due execution of its powers.' They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity.

"A question of privilege ought rarely to come up in Parliament." I hope the members will pay attention to that. "It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy. A genuine question of privilege is a most serious matter and should be taken seriously by the House."

Second is a point of order. This is a procedure which is used much more frequently. Its purpose is to bring to the attention of the Speaker an infringement upon the standing orders of this House or, in a wider sense, upon our practice and traditions that guide our deliberations in this chamber.

It is very clear from the examination of the facts of last Thursday that this is not a question of privilege. The honourable member was not in any way impeded from exercising his duties as a member of this Legislature. The only thing it can be is a point of order, if the member is claiming that the Premier, in the terms of standing orders 19(d)(8) and 19(d)(9), is "making allegations against another member" or "imputing false or unavowed motives to another member."

On this point, the member for Bellwoods (Mr. McClellan) made a presentation, for which the Speaker thanks him, and referred to a precedent of this House in which Mr. Speaker Turner brought to order the Honourable Attorney General Mr. McMurtry on December 1, 1983. The case at that time, however, was different in that the comments pertained to a "totally vicious and unprincipled attack that was made on the judiciary in Ontario." At the request of the Speaker at that time, the Attorney General withdrew his remarks.

After reviewing very carefully the language used last Thursday, I can only find that the Premier did impute motives to the member for Brantford and I would ask him to withdraw his remarks. I can clarify those remarks if so desired.

**Hon. Mr. Peterson:** Mr. Speaker, the thing I understood was the last line. I gather I am at fault and I humbly apologize to you, to the honourable member and to whoever else I offended by so doing.

**Mr. Speaker:** Thank you. I hope the members will re-read this in Hansard so they are fully aware of points of order and points of privilege.

Interjections.

**Mr. Speaker:** There is no debate. Is there another point of order? There is no debate.

14:15

## ORAL QUESTIONS

### DOWNSVIEW REHABILITATION CENTRE

**Mr. Grossman:** Mr. Speaker, with the holidays coming, I can hardly wait to get a copy of your remarks and have a chance to study them over the holiday season.

I have a question of the Minister of Labour. Last week, my colleague raised with the minister the unfortunate and potentially dangerous circumstances through which an injured worker is put in the event, as happens with all injured workers, he has to go to Downsview with the current problems overhanging the hospital. Having had several days to reflect on the problem, is the minister prepared to rise in his place today and indicate that injured workers will have an option other than being required to go to Downsview?

**Hon. Mr. Wrye:** I am not certain what the honourable member means by the word "dangerous," but it should be clear to the Leader of the Opposition and to all members of the House that very often there is an alternative to Downsview. An injured worker often goes to Downsview on the recommendation of his or her physician because, for whatever reason, the physician believes the assessment work that needs to be done cannot be done in the worker's community. In many cases, injured workers can get the assessment and treatment work done in their own communities should their physicians request that it be done there.

However, on those occasions when the assessment needs to be done at Downsview, I can assure injured workers there is no need for them to worry about going there. By the beginning of the year, we will have an office of the worker adviser in place in Downsview. Should injured workers believe they have need of that office, they can ask for its services as quickly as they need them.

**Mr. Grossman:** For the sake of being accurate and not being perceived as making a statement the public would misunderstand, I know the minister will want to clarify the case. I know he will share with me the view that referrals are made by the board to Downsview, not to a variety of places.

Having spoken to several sources at Downsview this morning, our information is that 50 per



cent of the injured workers being contacted and referred there are now declining to go. The minister has put them in the position where they must go to a facility to which they do not want to go and about which they are worried; where, so the allegations say, women are forced to shower in front of men and where drug and alcohol abuse are reported to be rampant. He is putting them in a circumstance where they must either go against their wishes or lose their right to compensation. That is the fact.

**Mr. Speaker:** Question.

**Mr. Grossman:** What option does the minister suggest and what has he done to provide an option for workers who do not want to put themselves in those circumstances?

**Hon. Mr. Wrye:** I regret we have not yet had time to complete the beginnings of a program for decentralization of these kinds of services, which we wish to put in place. There have been discussions with organizations in Thunder Bay, Sudbury and a number of other communities about establishing in those communities the kinds of services that have been delivered in the past at Downsview.

I do not have any figures on any problems that may or may not be encountered by injured workers attending Downsview when their attendance is necessary. I reiterate for the Leader of the Opposition and for injured workers who might have to go to Downsview that in many cases, with the advice and approval of the attending physician, alternative arrangements can be made for this kind of work to be done in the injured worker's own community. Injured workers should request that of their physicians. Should they go to Downsview, I can assure those workers that if there are any problems they can speak to the office of the worker adviser.

I add one final thing. The showering example used by the Leader of the Opposition is a most unfortunate one, since the only showering that is done in public view is done by both males and females with bathing suits on prior to using the pools at Downsview.

14:20

**Mr. Grossman:** Let us be accurate. Thousands of workers do not have an option. They are required by the board to go to Downsview to get their compensation. For those injured workers, the issue is not whether the minister wants to decentralize into North Bay and Sudbury. That is not the question we are asking. The issue is about the thousands of workers who are required to go there to get their benefits.

Given the horrendous allegations that have been made and given that thousands of workers may be at risk—the minister will have to acknowledge that; he must acknowledge it, or he would not have ordered yet another task force study—the minister is saying to the workers, “While we review this once again, I, the minister, am prepared to sit back and let thousands of you go through with no alternative, even if you do not want to, while the study is being conducted.”

What specific arrangements is the minister making so that thousands of workers will not need to be forced to go through a facility that he himself is acknowledging has to undergo further study and review?

**Hon. Mr. Wrye:** It will be useful for us to review the kinds of investigations that are under way. First, there have been a number of matters that I am sure the Leader of the Opposition will acknowledge may be criminal in nature. Those matters are being investigated by the Metropolitan Toronto Police.

A number of serious allegations have been made about alcohol and drug abuse and the like, which do not put patients at risk but which certainly can contribute to an unpleasant atmosphere. These are allegations not unlike those faced by many other hospitals in the province. As the Leader of the Opposition will know if he has read the inquiry team report of last week, a number of specific actions are being undertaken to ensure that kind of abuse by patients of the privileges of other patients is ended quickly.

Finally, the inquiry team we put in place last Thursday is designed to review the program at Downsview and to ensure that the program delivery all honourable members want is the most effective in North America. A lot of that work was already under way within the board. It was clear to this minister that the legitimate views and concerns of the injured worker community would not be satisfied without an external team. That is why I am so pleased Mr. Stoughton and others have consented to join the team and to put in place an outstanding program at Downsview.

**Mr. Grossman:** The minister is so devoid of authority within his own ministry that he is prepared to allow the situation to go unattached and unattended for a long time. It is inexcusable.

#### SUNDAY TRADING

**Mr. Grossman:** My second question is for the Minister of Labour as well. When we asked the Premier (Mr. Peterson) on December 4 about the



problem surrounding workers being forced to work on Sundays against their will, he responded:

"I am sorry I cannot tell my honourable friend what section of what statute would apply in the circumstances, but I can assure my friend if there is not a statute that is applicable, we will bring one into the House to protect these people."

**Mr. Rae:** He will make one up.

**Mr. Grossman:** As the member for York South says, he will make one up.

When the Attorney General (Mr. Scott) returned to the House the next day, I presume he told the Premier he was not prepared to do that, because the next quote we have from the Premier, in the media, which is often the more authentic reference point with the Premier, indicates that one should not rush. He said, "Nevertheless, the government cannot give just an emotional response under the pressures of one particular day." There may not be legislation.

**Mr. Speaker:** The question is?

**Mr. Grossman:** Regardless of what happens with the court outcome on Thursday, with another Sunday coming when there will be extensive shopping, will the Minister of Labour tell us whether he is prepared to follow the earlier directive of the Premier to bring in legislation or whether he will follow the directive of the Attorney General, which is no legislation?

**Hon. Mr. Wrye:** For full-time workers, there is a legislative mandate under the hours-of-work provisions of the Employment Standards Act, which limits the amount of work a worker can be required to undertake in a week to 48 hours. That is in place. People in the work force, whether they are in the manufacturing or the retail community, have the right to decline additional work after working 48 hours in any given week.

**Mr. Grossman:** Even this minister cannot get away with this sort of thing. The question is not whether workers can be forced to work more than 48 hours; it is, can they be forced to work on Sundays? When we asked the Premier on December 4, he did not know whether a law was in place that would prohibit it. He said that if there were none, if he could not find one, he would bring one in quickly. It now is a week and a half later. We now have gone by two Sundays when employees have been forced to work and the minister refuses to act as Minister of Labour—remember when he used to be minister for labour?—to stop it.

My simple question today is this: is the minister going to bring in legislation, as the

Premier promised on December 4, to protect employees from being forced to work on Sundays?

**Hon. Mr. Wrye:** I point out to my honourable friend that the Retail Business Holidays Act does not fall under this ministry. The Attorney General made clear that those who run into difficulty in terms of being forced to work should contact him. I gather there has been a level of compliance with the act pending the decision by the Supreme Court this Thursday. The Leader of the Opposition may wish to wait until the Supreme Court makes its ruling this Thursday.

**Mr. Grossman:** Only one of two things can happen on Thursday. Either the legislation will be upheld, in which case next Sunday will be like last Sunday and the Sunday before and the Sunday before that, with thousands of employees being forced by their employers to work illegally, or the courts will throw out the legislation, in which case Sunday will be wide open and tens of thousands of employees will be forced to work, devoid of the protection the Premier promised on December 4.

The Minister of Labour cannot duck behind the lawsuit on the issue. It has nothing to do with amending legislation that is currently before the courts.

**Mr. Speaker:** The question is?

**Mr. Grossman:** Next Sunday, employees are going to be forced to work regardless of what the court rules on Thursday.

**Mr. Speaker:** Question.

**Mr. Grossman:** Is the minister going to meet the commitment the Premier gave on December 4 to bring in legislation to protect workers from being forced to work on Sunday?

**Hon. Mr. Wrye:** The Leader of the Opposition may go back and re-read the preamble to his first question. He knows what the Premier said. This government has been following the appropriate course.

I note with interest the comment made on June 11, 1985, by the then Attorney General, the member for Cochrane South (Mr. Pope), in terms of deferring possible amendments to Sunday closing legislation:

"Since the validity of provincial Sunday closing and holiday laws under the Retail Business Holidays Act is now before that court in another legal proceeding, we have decided to defer consideration of other amendments in this area until we have an interpretation of the charter."

That is what his colleague said in June 1985. I thought it might be useful for the Leader of the Opposition to hear that comment.

14:30

#### DAY CARE

**Mr. Rae:** My question is for the Minister of Community and Social Services. I was interested in a comment he made today about the significant differences—I think those are the words he used—between private profit-making nursing homes on the one hand and charitable and municipal homes for the aged on the other. He went on to say, “We are confident that boards of directors of our charitable homes are deeply concerned about the quality of care for their clients.” By implication, or by omission certainly, the private sector homes are not.

If that is the view of the minister and of the ministry with regard to care that is provided for our seniors, why are we now on the verge, as we were with seniors in 1972, of seeing the province provide to private-profit operators daily capital cost and other direct subsidies for children who are in day care centres. Can the minister explain the complete discrepancy between his comments with respect to nursing homes and the policy he is about to announce with respect to day care?

**Hon. Mr. Sweeney:** The reference in the statement I made today is intended to convey that homes for the aged, whether operated by charitable boards or by municipal boards, in fact are operated by community boards, whereas nursing homes are not; they are operated by single, private operators. The statement was also intended to convey that those boards have a responsibility to assure themselves that the services for the elderly in the homes for the aged are met. That is the point.

I am not in any way saying the service being offered in private nursing homes is not good. I did not say that. I was making the distinction between where there is a community board responsibility and where there is not. That is the distinction.

**Mr. Rae:** In all those words, I did not hear an answer to my question.

The province and the government of Ontario are now about to do for child care what the Progressive Conservative Party did to the nursing home industry in 1972. The Liberal Party of Ontario is about to institutionalize and allow to grow chain centres and multinational enterprises, which are going to move into the child care field. They will see it as a place to make money because it is going to be supported directly by the

government of Ontario. If the minister does not understand that, he does not have his eyes open.

How can the minister justify that kind of expenditure for private-profit operators when literally tens of thousands of parents are on waiting lists, waiting to find places for their children? Today, those kids are in unlicensed centres and in spaces that are not being adequately supervised. Why is his priority to give aid to those who are operating child care centres for a profit?

**Hon. Mr. Sweeney:** The correlation is an apt one because to the best of my knowledge, the Ministry of Health has no intention of doing away with private nursing homes simply because they are part of the existing system. There is, however, a responsibility on the part of my colleague the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne) to examine a comprehensive plan for all long-term care. We are doing the same thing with respect to day care. We are examining a comprehensive overall plan for day care, but there is also the recognition that within the existing system, 50 per cent of the licensed spaces are in the commercial market. Given that reality and given the impossibility of replacing those roughly 50,000 spaces, we have to deal with them. If we are going to make changes in the overall system we have to recognize that part of the system as well, not that we are giving any special attention to it.

**Ms. Gigantes:** Can the minister understand what he is saying? He is saying we have a day care system that meets a tiny fraction of the need. We are talking about 80,000 spaces for 335,000 small children who need care in Ontario. He says, “Half of the 80,000 are being served by the commercial sector; therefore, we are going to give money to the commercial sector.” Does the minister not understand that once he starts doing that, the commercial sector is going to be the growing sector and the sector that provides care for children in Ontario? We are going to fall into the same trap as we have done with nursing home services for the elderly in this province.

**Hon. Mr. Sweeney:** I do not think that necessarily follows. Just as there is a roughly 50-50 split between commercial and nonprofit day care spaces, so is there also a roughly 50-50 split between homes for the aged and nursing homes with respect to beds. I have said before, in response to the member, that our new initiatives are going to be primarily in the nonprofit sector. We have said that over and over again.



We are also saying we have a very significant portion of that system now in place, which must be recognized. We are not saying, and I have never said, we are going to give any special impetus to that part of the system but simply to recognize what is already there, the approximately 50,000 children and the thousands of families currently being served by it. We simply cannot ignore that reality.

#### AUTOMOBILE INSURANCE

**Mr. Rae:** I would like to ask the Minister of Financial Institutions a question about car insurance. Rena Matsumoto, who is only 25 years old and has been driving for five years with no previous accidents and no lost points, had one accident in a parking lot. Can the minister explain how her insurance rate increased to \$2,634 a year from \$800? How is it that Fran Bates of Toronto, a first-time driver in her mid-40s, is being asked to pay \$2,749 a year in Ontario? How is it that the Pearce family is being asked to pay \$6,890 in Ontario? How is it that John Adamakopoulos, who owns AB Towing, has seen his rates go to \$255,950 in 1986-87 from \$29,000 in 1984-85? Can the minister explain those rate increases to the people of Ontario?

**Hon. Mr. Kwinter:** I cannot explain specific rate increases because I do not know the circumstances. The rating system in Ontario is based on historical data; it is based on figures fed into the insurance industry. If the member would like me to investigate those things to see whether other rates are available, I would be happy to do so.

**Mr. Rae:** I do not think the minister can solve these problems; they have been put before his ministry in many instances and the ministry has been able to do nothing.

Can the minister explain how the province of Manitoba is able to provide rates for similar drivers in similar situations—in the case of Miss Matsumoto, a difference between \$2,634 and \$493; in the case of Fran Bates, a difference between \$2,749 and \$609; in the case of the Pearce family, a difference between \$6,890 and \$1,430; and in the case of Mr. Adamakopoulos and AB Towing, a difference—and I hope Mr. Speaker is listening to this, because it is so astounding—between \$259,000 and \$19,925? Can the minister explain that to the citizens of this province who are being ripped off systematically by the insurance industry?

**Hon. Mr. Kwinter:** I do not know whether I understand the question by the leader of the third party. Is he saying the government-run insurance

industry in Manitoba is prepared to provide coverage to Ontario residents at those rates? Is that what he is saying? If he is saying that, it is very interesting, and I will be very happy to entertain that; but if he is not, if he is saying that in Manitoba those are the comparable rates, then his argument is silly, because in Ontario, even before the Manitoba government got into the insurance industry, there had been a significant difference in rates. In 1968, there was a significant discrepancy in the rates, depending on whether the insurance was provided in western Canada or in Ontario. However, I would like to hear his comment before we proceed further.

**14:40**

**Mr. Swart:** I remind the minister that he comes into this Legislature time after time, parrots what the insurance companies tell him to say and tries to refute that the rates are far lower in Manitoba than they are here.

Why does the minister not honour the resolution passed by this House on December 4 and order the comprehensive study and comparison of the public insurance plans versus the Ontario system? When he does that, will he ensure that the study and report are done by an independent, respected firm such as Woods Gordon and include comparison of rates, details of cost of operation and information on return to the system of interest on investment?

Interjections.

**Mr. Speaker:** Order. We are not debating the resolution.

**Hon. Mr. Kwinter:** The members of the third party are always extolling the virtues of the insurance industry in Manitoba and British Columbia. I have in my hand a publication known as *Mandate*; it is put out by the Canadian Federation of Independent Business.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Kwinter:** The member should wait until he hears the results before he starts laughing.

In a survey across the country, they asked about insurance. They said, "Members in British Columbia and Manitoba reported the greatest incidence of large increases, with 29 per cent in both provinces having to pay increases of more than 50 per cent."

Interjections.

**Mr. Speaker:** Order. Perhaps the members will allow me to recognize members in an orderly fashion without interjecting.



**Mr. Gillies:** I guess that is the last we will ever hear about auto insurance from those guys.

#### SALE OF LANDS

**Mr. Gillies:** My question is to the Minister of Municipal Affairs. In the past number of weeks, my colleague the member for Brock (Mr. Partington) and I have asked the minister a number of times about an internal investigation he is conducting into the rather controversial land sale in Vaughan. This investigation seems to be dragging on. Can the minister confirm to the House that this matter is serious enough that the Ontario Provincial Police have been called in to investigate the matter?

**Hon. Mr. Grandmaitre:** I can advise my friend the allegations are serious enough that an investigation is still going on. When I get a report, the members opposite will be the first to hear about it.

**Mr. Gillies:** The OPP has confirmed to my office that it is investigating this matter.

I want to indicate to the minister where we see this leading. He is part of a government that has the OPP investigating Wyda Systems (Canada) Ltd., Spectrum Semiconductor Inc., the Downsview hospital, the member for Kingston and the Islands (Mr. Keyes) and Lord knows what else. However, there is a common problem in all this. These investigations lead to reports, which in turn end up on the desk of the Attorney General (Mr. Scott). In this case, along with the others I mentioned, the matters under investigation have very close ties to the government and to the Liberal Party.

Does the minister not see the wisdom of calling a Municipal Act inquiry, as he is empowered to do, which takes it out of the government and before an independent party? He is empowered to do so, and in fact it has been requested by a number of citizens in the town of Vaughan.

**Hon. Mr. Grandmaitre:** The member is quite right. Under section 180 of the Municipal Act, the petitioner asked the ministry—

**Mr. Harris:** Six months ago.

**Hon. Mr. Grandmaitre:** Six months ago; that is right. It may have been a little longer than that.

The ministry is still conducting an inquiry into the seriousness of the allegations or rumours. If the member tells me the OPP has told him it is investigating, I would like to know who told him this and when. The allegations are serious

enough that they need a thorough investigation, and that is exactly what we are doing.

For the second time in this House, I do not think the member has any faith in the OPP. I remind him that if they are investigating, I am waiting for a report from them.

**Mr. Gillies:** On a point of order: I would have thought the minister heard the retraction by the Premier (Mr. Peterson) of that imputation of motive. The minister should withdraw that. I have complete faith in the OPP. It is not I who uses it as a catering service; it is the members opposite.

Interjections.

**Mr. Speaker:** Order. To try to keep order and because of what I said earlier, I will ask the minister to withdraw. Will the minister withdraw?

**Hon. Mr. Grandmaitre:** I said "if" to the member.

**Mr. Speaker:** Order. Will the minister withdraw?

**Hon. Mr. Grandmaitre:** I will withdraw.  
[Later]

**Hon. Mr. Grandmaitre:** Mr. Speaker, I rise on a point of explanation regarding the question posed earlier by the member for Brantford (Mr. Gillies) concerning the Ontario Provincial Police investigation of the Vaughan land sale. I am most upset that the member raised the question, because it was my understanding that his party had agreed to maintain a confidence in this matter. My office specifically provided information on the investigation to his colleague the member for Brock (Mr. Partington). This information was provided on the understanding that the OPP investigation would proceed unencumbered by public disclosure.

This information has now been made public by the member for Brantford, thereby violating the confidence and blowing the cover of the investigative officers. I only hope this disclosure does not affect the successful completion of the OPP investigation.

Interjections.

**Mr. Speaker:** Order. First, it sounded to me as if that should have come as a ministerial statement because it was an explanation of what had taken place within the ministry. I think I should have a look at it. It should probably have come under ministerial statements.

**Mr. Partington:** Mr. Speaker, on a point of order: I did have a meeting with the Minister of Municipal Affairs (Mr. Grandmaitre) and was

advised there would be an investigation for a period of three weeks. I undertook at the time not to raise the matter for a three-week period. The three-week period expired on December 11, I believe.

**Mr. Stevenson:** Why don't you slither back under your rock?

**Mr. Speaker:** Order. Will the member for Durham-York (Mr. Stevenson) control himself.

I was going to call petitions. Is this a point of order? Is it on the same point or on a different point of order?

**Mr. Gillies:** Speaking to the point raised by the honourable minister.

**Mr. Speaker:** Order. We do not need a debate. It was a point of personal explanation he rose on. I said it probably was not a personal explanation but should have come under ministerial statements. It was not a point of order.

**Mr. Harris:** May I speak briefly to it, Mr. Speaker?

**Mr. Speaker:** No. You are welcome to speak on another point of order.

**Mr. Harris:** I will speak then on a point of order.

**Mr. Speaker:** I would like to hear it.

**Mr. Harris:** You allowed a full and complete statement by the minister that was inaccurate and incorrect. Then you ruled it was not in order for him to make that statement. I suggest you have two choices. Strike it all from the record, and it will not appear anywhere in Hansard; or allow the member for Brantford, whose name was mentioned in the statement, to respond to the allegation that was made.

**Mr. Breagh:** Mr. Speaker, I do not want to venture into this too much, but I feel you did allow the minister to make an allegation of a rather serious nature. Not to allow members on the opposite side to respond in some manner seems most unfair. The allegation is on the record and it cannot be taken off. It seems to me they have a point of order. The allegation I heard was a rather serious one concerning releasing confidential information. It is pretty dicey to let that sit there and sizzle while we all think about it. I believe they have a right to respond.

**Mr. Gillies:** I want to put on the record that the facts as stated by my colleague the member for Brock are correct. We co-operated with the minister for a period of time when he asked us to, so that this matter could be investigated in private. The minister has been sitting on this for months. The period for which we agreed to this

co-operation has expired. We now are in the last week of the House before the Christmas break. We saw it as our obligation to get this matter out into the open. For the minister to say we have broken any existing arrangement the opposition made with him is not correct.

**Mr. Speaker:** I hope the record is clear. You have had an opportunity to make your comments.

**Mr. Harris:** Now we have.

**Mr. Speaker:** I am always willing to be of assistance, particularly to the member for Nipissing (Mr. Harris).

#### PROTECTION FOR HOME BUYERS

**Mr. Philip:** I have a question of the Minister of Consumer and Commercial Relations. Now that Ryan Homes, a subsidiary of the Georgian Group, headed by Tony Maida, has had its licence removed, at least temporarily, can he tell me whether he is aware that another subsidiary of Georgian Homes, namely, Barbrook Mills Inc., operating in Oakville and also headed by Tony Maida, is using a similar exit clause to get out of contracts or, in lieu of that, to have a reduction of 1,000 square feet per home for people who have purchased from that company? If he is, what does the minister intend to do about that other subsidiary of the Georgian Group, also headed by Tony Maida?

**Hon. Mr. Kwinter:** What happened with Ryan Homes is that the registrar of the new Ontario New Home Warranty Program notified it that he was proceeding to withdraw registration. If they are caught, the principals have 15 days to appeal. That is the state of the situation.

Tomorrow afternoon I expect the building industry will be making an announcement on how it expects to deal with this problem. I have instructed the people at the Ontario New Home Warranty Program to be ever vigilant in looking at situations such as the member has described. If we find those practices are being carried out, we will do exactly what we did with Ryan and proceed to remove its registration.

**Mr. Philip:** Assuming the minister removes another couple of registrations, what is to prevent a large conglomerate such as Georgian Homes, with many subsidiary companies, on removal of the registration, from simply transferring the properties it holds under the deregistered company to a registered company and selling at the higher, inflated cost and thereby ripping off the consumers the same way it did before? What is to prevent that, unless the government is going to deal with the Georgian Group per se rather than



its numerous subsidiary companies, one at a time?

**Hon. Mr. Kwinter:** In the order from the Ontario New Home Warranty Program, those houses that are under dispute have been frozen. They cannot be sold to anyone else until the matter has been resolved by the Commercial Registration Appeal Tribunal.

14:50

#### IDEA CORP.

**Mr. Pope:** My question is to the Premier and it arises from his inexplicable refusal to order a judicial inquiry into the Wyda matter. The Premier has now had the weekend to consider his position on this. We have had no word from him on whether a judicial inquiry will be called, nor have we had any information from the acting Solicitor General and Attorney General (Mr. Scott) or the Premier on the scope of the Ontario Provincial Police investigation. As a member of the standing committee on public accounts, I think we are entitled to know.

Therefore, I ask the Premier, what is the scope of the OPP investigation? The public accounts committee unanimously found that Mr. Caplan, for instance, had an interest in Wyda, that he was the vice-president of administration and finance and that on the morning of April 10 he negotiated the final payouts of the debts of the company that are now under investigation. The public accounts committee unanimously found these facts and unanimously asked some four months ago for a forensic audit, not just of Wyda but also of Avi Dobzinski, Mr. Caplan and his company and Mr. Fleischmann and his company. Are they all under investigation by the OPP?

**Hon. Mr. Peterson:** To be very frank, I do not know all the terms of reference of the OPP, but may I make this suggestion to the member: why does he not get in touch with the OPP and tell them the things he thinks should be investigated? I am sure they should all be looked into.

**Mr. Gillies:** Does the Premier not see that by continuing to refuse a public judicial inquiry into this matter, he is putting his own Attorney General in a very difficult situation, as long as the OPP investigation and the ongoing investigation within the ministry end up on that minister's desk, when that minister, as was evidenced before the committee, attended a meeting with principals involved in this in terms of preparing evidence?

Would the Premier not see that it is in the better interests of the public, and indeed of his own government, that this be taken outside and put

before a justice, where an impartial third party can review this matter and come to some conclusions?

**Hon. Mr. Peterson:** I do not want to rethresh old straw, but I think the OPP are an impartial third party. The member may not, but I do. I have great faith in their ability to get on with the matter. I say, let the police do their job. They are there, and if my honourable friend has any particular problems he wants investigated, I gather he talks to them regularly, he should share with them the information he thinks should be investigated.

I think it is proceeding as quickly as can be done in the circumstances. Certainly, the committee of which he is a part has the opportunity at any time it wants to call anybody before it and look at anything it wants to look at. I have no problem with that. We are trying to get to the bottom of this very quickly.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question of the Minister of Labour regarding the courthouse in London. In June, work was started at the courthouse by the Ministry of Government Services. A contractor was not advised that there was friable asbestos in the building, despite the fact that there had been a report since 1980. The Ministry of Labour issued a stop-work order. The acting Minister of Government Services (Mr. Conway) ignored the stop-work order and ordered the contractor back to work. Last Thursday when I raised it with the minister, he gave me some platitudinous answer.

Is the minister aware that at exactly the same time as he was giving me his answer on Thursday, one of his inspectors was issuing yet another stop-work order at the courthouse, that the same contractor was involved and that the Ministry of Government Services was involved in the replacement of a door that had led to the taking down of a wall containing friable asbestos?

If the minister is aware of all these facts, can he tell me whether charges are to be laid against (a) the company and (b) the Ministry of Government Services, which has gone on this way for the past three or four years?

**Hon. Mr. Wrye:** I do not think it will surprise the member to know that we are not in a position yet to make any determination about charges. I am aware of the facts as the member points them out. Mr. Armstrong issued a stop-work order on Thursday of last week in the early part of the afternoon. The issues surrounding the stop-work order were dealt with, were complied with, and



Mr. Armstrong lifted the stop-work order on Friday afternoon.

**Mr. Martel:** I have two questions. Since, on Thursday, inspector Ken Armstrong was correct in writing the order, why did the supervisor, who is the same supervisor who covered up with respect to the prosecution against Pro Electric, go after the inspector for doing his job? One worker who refused to work there was dismissed and has appealed. Can the minister explain why the ministry has not laid charges under section 24 of the act? This woman had been intimidated and dismissed because she refused to work. Where is the minister on this crucial issue?

**Hon. Mr. Wrye:** Quite extensive discussions were undertaken with the woman who was involved in terms of the second floor of the London courthouse in the earlier June incident. At that time, the individual involved expressed a willingness not to pursue the matter; that was her choice and that was her view at the time. It may well have changed, and I will take a look that.

I acknowledge that there is a disagreement as to matters which followed between Mr. Armstrong and his immediate supervisor. I say with regret that my honourable friend has accused the immediate supervisor of covering up another matter that has been under investigation by Mr. Laskin.

I am well aware of the Pro Electric incident. I would have thought my honourable friend would not have reached a judgement but rather would have waited for the Laskin report to see what Mr. Laskin finds the facts to be in that case, as in many others.

#### FUNDING FOR ENERGY PROJECT

**Mr. Stevenson:** I have a question for the Minister of Industry, Trade and Technology. Last week I read a statement on Interoil, a company whose principal lives in my riding. Why does this minister suppose the Minister of Energy (Mr. Kerrio) would pull the plug on Interoil just when it has won two major awards for energy technology in the United States and just when furnace sales are about to take off and expand considerably?

**Hon. Mr. O'Neil:** I suggest the member ask that question of the Minister of Energy.

**Mr. Speaker:** Order. Do you wish a supplementary?

**Mr. Stevenson:** No. Was that a redirect?

**Mr. Speaker:** No. The minister said he wished you would ask that question of the other minister; he did not redirect. Do you wish it

redirected? It is redirected to the Minister of Energy.

**Hon. Mr. Kerrio:** Yes, I have been fully aware of this whole situation. The government of Ontario put \$1.1 million into this whole circumstance and the private sector put in about 10 per cent. On that basis, we thought that would be a very viable company. If it cannot go with that proportion of taxpayers' money in it, the member can realize why this government decided it was not worth pursuing.

**Mr. Stevenson:** All of this is now going to the US. The American company is now prepared to bankroll the development of these furnaces to the tune of more than \$800,000, with sales expectations in 1987 of \$3.6 million and in 1988 of \$4.7 million. Does the minister want these furnaces built in Ontario or does he want them built in New York?

**Hon. Mr. Kerrio:** We want everything that is possible to be built in Ontario.

I cannot believe those people sitting over there should suggest that this government should put in 90 per cent of a venture. We are trying to get out of those things. We are trying to get the private sector, those people who have the initiative, to make those kinds of things go.

Interjections.

**Mr. Speaker:** Order.

15:00

**Hon. Mr. Kerrio:** Do members want to hear the answer?

The taxpayers of Ontario subsidize that to a great degree, about 90 per cent. That is being more than helpful. The evidence being brought before us is something I do not have. They had about \$300,000 worth of stock that could not be sold. If some new interest is going to put up that kind of money, it is new to us. If they could have found a private investor who would have put in the kind of money the member is talking about, this government would have been pleased to participate. That is not what happened, and the member knows it.

**Mr. Stevenson:** They are going to be built in the United States.

**Hon. Mr. Kerrio:** The member knows that is not what happened.

**Mr. Stevenson:** It is so.

**Hon. Mr. Kerrio:** They had about \$300,000 of furnaces they could not sell to anybody.

**Mr. Stevenson:** Two months out of date.

**Mr. Speaker:** Order. That matter has been dealt with.

## WATER QUALITY

**Mrs. Grier:** I have a question for the Minister of the Environment. It has been several months since the minister announced he was prepared to build a pipeline to Wallaceburg and Walpole Island so that those communities would no longer have to rely on the St. Clair River as the source of their drinking water. The minister promised he would pay 75 per cent of the capital cost after the federal contribution had been deducted, but he left it to the local councils to deal with the federal government. The federal Minister of the Environment has now said he will not make a contribution. In the light of that refusal, what is the minister's commitment to the Wallaceburg pipeline?

**Hon. Mr. Bradley:** This has been a long-discussed project in terms of tying in not only the communities the member mentioned but also other communities along the way. On a number of occasions, the member for Chatham-Kent (Mr. Bossy) has discussed this matter with me at great depth and others in the House have discussed matters in their municipalities. I indicated that in those situations where we have an international component to the problem—that is, where we are dealing with an international waterway—it would be desirable to have the participation of the federal government.

To this time, I have not been notified; in fairness—I know the member likes to be fair—I have not received notification from the federal Minister of the Environment that he is not prepared to intervene in a very positive way in this case. In that eventuality, we will be discussing further possibilities as they relate to the financial arrangements.

**Mrs. Grier:** I am sure the minister likes to be fair also and, frankly, I do not think it is fair of the minister whose jurisdiction is drinking water in its entirety to say he is waiting for the federal government. The gap is growing between the illusion of the minister's announcements and the reality of pollution problems that remain unsolved.

It has been more than a year since we had a special debate in this House on the question of drinking water, at which point the minister announced he was preparing a drinking water strategy. May I conclude from the minister's remarks today that his drinking water strategy is to announce commitments dependent upon a federal government contribution and then to blame the federal government when the contribution does not come through?

**Hon. Mr. Bradley:** If the member were to examine the actions this government has taken during the past 17 months, she would not come to that conclusion. She will be aware that at a conference of the Federation of Canadian Municipalities this weekend a very strong lobbying effort was made by municipalities right across Canada to secure the kind of federal participation that we feel is necessary and that used to be in effect at one time. I know the member would not want me to abandon those efforts or place the federal government in the position where it could easily get off the hook on matters which relate to all municipalities across this country, including ours.

In regard to the specific pipeline the member mentions, she will be aware through her very extensive research that the amount of money the province has indicated to this time that it is prepared to provide is substantially above the normal amount of money that would be forthcoming unless an exception were made to policy. That exception has been made.

## AFFORDABLE HOUSING

**Mr. Rowe:** I have a question for the Minister of Housing. Given the huge backlog of residents, now more than 700, waiting for Ontario Housing units in the city of Barrie, could the minister enlighten me as to when these people might expect housing?

**Hon. Mr. Curling:** The honourable member knows the backlog of supplies of affordable housing has been tremendous. This government has tried to address that problem. The housing problems cannot be resolved in a year or so. My honourable friend knows that in the past year we have approved 19,000 social housing units, plus we have market housing subsidies.

I cannot tell the member offhand what project was approved in Barrie. However, wherever the need was, we tried to address it. Not all areas were addressed. I am sure by the time our five-year program is completed, many of those areas will be addressed.

**Mr. Rowe:** There are 310 families, not people, who have been waiting for Ontario Housing for more than a year, as well as 95 seniors and 35 people who are handicapped in one form or another. Can the minister assure the House today that his ministry will at least review the case with respect to Barrie, given the tremendous growth rate there and the fact that the vacancy rate in apartments is zero? Can he not at least give us the assurance that he will review it and perhaps take a look at the situation to give us



more housing? We cannot leave these people hanging as we have in the past.

**Hon. Mr. Curling:** I can empathize with the honourable member. I know there is a need in his area, just as there are tremendous needs across the province and the waiting lists are very long because of the shortage of affordable rental units. It is impossible to address all those needs in one year. I cannot pull one application out and review it.

The member must understand there is a process. He would be the first one to stand up in the House and ask me: "Where is the process? Why have you selected those separate from the others?" There is a process that we follow. I empathize with those who are in need and I hope we can address those needs as soon as possible.

### IMMIGRANT SERVICES

**Mr. D. S. Cooke:** I have a question for the Minister of Health. What is the status of the application for funding by the Immigrant Women's Centre in Toronto? Why has the minister not responded to date to three letters from this group requesting funding for a mobile community health centre at a cost of \$65,000? This project would reach many immigrant women in this city who would not be reached by the traditional health care system.

**Hon. Mr. Elston:** I thank the honourable gentleman for the question. I have made an inquiry into the current status of the application and hope to make a report shortly to the member. We talked about this briefly last week. I will be providing him directly with information on that.

We have a number of programs that are currently under review. There are a number of questions of program intent and component. It is my presumption, without having seen a detailed report on it, that this may be one of the programs on which a similar study is being made at this time.

**Mr. D. S. Cooke:** I am sure the minister remembers that on April 25 he gave a speech to public health and community workers, in which he highlighted the work of the Immigrant Women's Centre in Toronto. He set it out as being a centre of great example to the entire province. If it is a good enough centre for the minister to brag about, even though he does not fund it, why cannot the ministry respond to the letters the group has sent requesting a meeting and provide funding? If funding is not provided, the work they do for the Italian, Portuguese and other communities within Toronto will cease on March 31, 1987.

**Hon. Mr. Elston:** I understand the component of funding that is helping to sustain this organization is a municipal one. I indicated to my colleague that I would be looking at the problems associated with having some announcement about the status of that. I am trying to find that information. I will be receiving this week, I am sure, a full report from the program people with respect to meetings or otherwise. We will respond to those letters when I have some detailed information about what it is that seems to be holding up discussion or the finalizing of a decision on the matter.

A number of programs in this province have shown a very clear and capable way of dealing with needs in the community, programs we have not funded but that we would like to laud as organizations that promote and assist the provision of good care in this province. I like to highlight those programs as much as I like to highlight the programs funded by the Ministry of Health or by any part of the government because they are a substantial and important part of our health care system.

### 15:10

### COMPUTER SALES ON CAMPUS

**Mr. Runciman:** I have a question for the Minister of Colleges and Universities. A couple of weeks ago I was apprised of the fact that the three campuses of St. Lawrence College were establishing computer stores on campus to sell IBM computers and computer-related equipment. Is the minister aware of this initiative; and if he is does he support it?

**Hon. Mr. Sorbara:** I can honestly tell my friend that I am not aware of the issue. I would not want to tell him whether I support it or do not support it until I have more information. I assume he will have additional information in his supplementary, so I await it.

**Mr. Runciman:** For once the minister is correct. I do have a little bit of additional information.

One of the concerns expressed was about the fact that computers sold through community college outlets would be selling for about 20 per cent less than those sold through small business outlets. John Bulloch, the president of the Canadian Federation of Independent Business, has described this government as the most antibusiness government in Canada. I ask the minister to make himself familiar with this matter and to take whatever action is necessary, because this can seriously impact on many small businesses across the province.



**Hon. Mr. Sorbara:** My friend raises a rather interesting point. If it were 20 per cent over what small businesses were selling for, the critic who sits just a couple of seats away from him would ask, "Why is the minister allowing these outrageous costs to be foisted upon students?"

Computer hardware and computer software are an absolute necessity for a number of students in a variety of community college programs, and if St. Lawrence College is providing an environment where the students can get those materials, whether it be hardware or software, at reasonable prices, I will support it, but I do not want to say I support it unequivocally until I get more information.

#### HERITAGE LANGUAGES

**Mr. Grande:** My question is for the Minister of Education. Given that in the past week or week and a half a coalition of many cultural groups in this province has come together in support of Bill 80, and given the fact that in June the minister made a commitment to me that he would review the heritage languages program and let me know by summer's end whether he would be willing to change the policy to make the heritage languages program part of the elementary school system during the five-hour school day, will the minister tell us whether on Thursday his government will support Bill 80?

**Hon. Mr. Conway:** It is true the honourable member has made a number of representations to me during the past weeks and months. As a matter of fact, I was looking for him last Wednesday in the chamber because we had agreed to have a chat on the subject. I know he was unavoidably detained elsewhere, because I was in the precincts and, for whatever reason, we missed one another.

The member knows this party has been very supportive of heritage languages. We have never disguised our interest in and support for that very important and positive part of education. He knows as well we are going to be debating his private member's ballot item on Thursday. Surely he would not want me in any way to prejudice that debate. I am very anxious that the private members of this assembly have an unfettered opportunity to speak their minds. I know my friend the member for Scarborough Centre (Mr. Davis), who is disappearing over the horizon, would want to express his opinion from the point of view of both Scarborough and the official opposition.

I look forward, as I know other members do, to the debate led by the member for Oakwood (Mr.

Grande) that will take place on this subject on Thursday this week.

**Mr. Speaker:** The time for oral questions has expired.

15:20

#### PETITIONS

##### HERITAGE LANGUAGES

**Mr. Grande:** I have a petition by the Canadian Arab Federation that reads:

"We, the undersigned, hereby petition the members of the Ontario Legislature to vote in favour of Mr. Grande's private member's Bill 80 regarding heritage languages."

It is signed by more than 300 persons who are members of that federation.

##### NONSMOKERS' PROTECTION LEGISLATION

**Ms. E. J. Smith:** I wish to present a petition that was sent originally to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We support Bill 71, the Non-Smokers' Protection Act, and ask all members of the Legislative Assembly of Ontario to vote for it in committee and on third reading in the Legislature.

"We urge the government to support this bill by allowing it to pass through all stages of parliament."

It is signed with 59 signatures.

##### NATUROPATHY

**Mr. McGuigan:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

## MOTION

### REFERRAL OF BILL 7

Hon. Mr. Nixon moved that the order for third reading of Bill 7 be discharged and the bill be referred back to committee of the whole House.

Motion agreed to.

## ORDERS OF THE DAY

### THIRD READINGS

The following bills were given third reading on motion:

Bill 14, An Act to amend the Oleomargarine Act;

Bill 26, An Act to amend the Retail Sales Tax Act;

Bill 131, An Act to amend the Assessment Act.

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Nixon moved second reading of Bill 168, An Act to amend the Legislative Assembly Act.

**Hon. Mr. Nixon:** The bill and its companion piece, Bill 169, increase the salaries and indemnities of the members of the Legislature by 3.9 per cent, retroactive to the beginning of this fiscal year.

Motion agreed to.

**Hon. Mr. Nixon:** Unfortunately, I would like to go to committee for the correction of three typographical errors.

Bill ordered for committee of the whole House.

House in committee of the whole.

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Consideration of Bill 168, An Act to amend the Legislative Assembly Act.

On section 1:

**Mr. Chairman:** Mr. Nixon moves that subsection 60(1) of the act, as set out in section 1 of the bill, be amended by striking out "\$37,567" in the first line and inserting in lieu thereof "\$37,576."

Motion agreed to.

Section 1, as amended, agreed to.

Section 2 agreed to.

On section 3:

**Mr. Chairman:** Mr. Nixon moves that clause 62(1)(c) of the act, as set out in section 3 of the

bill, be amended by striking out "\$13,825" in the fourth line and inserting in lieu thereof "\$13,824."

Motion agreed to.

Section 3, as amended, agreed to.

Section 4 agreed to.

On section 5:

**Mr. Chairman:** Mr. Nixon moves that clause 65(1)(a) of the act, as set out in section 5 of the bill, be amended by striking out "\$10,156" in the second line and inserting in lieu thereof "\$10,516."

Motion agreed to.

Section 5, as amended, agreed to.

Sections 6 to 9, inclusive, agreed to.

Bill, as amended, ordered to be reported.

## 15:30

### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT (continued)

Resuming consideration of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

On section 70:

**Mr. Chairman:** Hon. Mr. Elston moves that section 70 of the bill as amended by the committee of the whole House be amended as follows:

(a) In subsection (1) by adding the following clause:

"(ca) subsection 33(53);" and

(b) by adding thereto the following subsection:

"(3a) Subsection 33(53) comes into force on the first day of April 1987."

Is everyone clear on the amendment?

**Hon. Mr. Elston:** This is the section about which we had a considerable amount of discussion last week. Because of the significant ramifications of the amendment that was passed in committee of the whole dealing with the provision of treatment for involuntarily committed individuals, we have, as members of the Legislature, been able to come to an agreement that we ought to have additional time to consider what might be done to make sure the section does not have unintended effects on the treatment of psychiatric patients.

This period of time will allow us to study more intently the results of any amendments, and we can then put our minds to seeing whether there are things that need to be done to clarify what procedures can be delivered by psychiatrists in

the institutions around the province. I think this is a much better way than having the section declared on passage of third reading. This will help us, I am sure, to deal with any potential problems that may have inadvertently arisen because of a change in the position of some of my honourable friends.

**Mr. Andrewes:** I would like to indicate that we will support this amendment. In doing so, I understand there are a number of concerns the ministry has with respect to the amendment, as do a number of people in the medical profession.

In this amendment, the issue is consent asked for by medical practitioners prior to treatment for psychiatric patients and the question of whether that consent should be given over to a provincial review board.

The matter was brought to the House and endorsed by a majority of the Legislature. It had the effect of bringing this whole issue to a head. I say to the minister that we have raised this issue surrounding the question of electroconvulsive therapy on one or two occasions, here and in committee, and we have yet to see a plan of action from the government. We are now in the position where the issue has come to a head and the activities of this amendment have forced the government to move on the matter. It sets a deadline for that activity.

We look forward to participating in this process. With those few brief remarks, I indicate once again our support for the amendment.

**Ms. Gigantes:** We will be supporting the amendment. The issue raised by the amendments to the Mental Health Act that were passed last week are fundamental to human rights. It is appalling that we will not be getting this kind of declaration until at least April 1, 1987. The issue has been before this Legislature since 1978 in one way or another. I hope the ministry will get it together now and the minister will finally insist that we get together a good system of substitute consent giving and that we have a clear understanding by psychiatrists, among our other medical professionals, about the patient's right to refuse treatment when competent.

Motion agreed to.

**Mr. Chairman:** Are there any further amendments, comments or questions?

Shall section 70, as amended, stand as part of the bill?

Motion agreed to.

**Mr. Speaker:** Shall the bill, as amended, be reported?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Nixon, the committee of the whole House reported two bills with certain amendments.

## 15:40

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Nixon moved third reading of Bill 168, An Act to amend the Legislative Assembly Act.

**Mr. Warner:** Briefly, it should be noted that this is the third successive year the recommendations from the election expenses commission has been ignored. Their recommendations were to set a salary that was commensurate with the responsibilities of the members and the time spent. For the third successive year, the government has chosen to ignore those recommendations.

I hope the commission will either be abandoned or empowered, one or the other.

Motion agreed to.

### EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Nixon moved second reading of Bill 169, An Act to amend the Executive Council Act.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of supply.

### ESTIMATES, MINISTRY OF INTERGOVERNMENTAL AFFAIRS

On vote 301, ministry administration program; item 1, main office:

**Mr. Chairman:** We have in front of us the estimates of the Ministry of Intergovernmental Affairs. The Premier (Mr. Peterson) has a statement. Can the minister—and you are minister in this capacity—indicate roughly how long his statement is, just so the members can allocate their time throughout the estimates?

**Hon. Mr. Peterson:** I have a very long opening statement, but I do not want to put my honourable friends to sleep; I do not think it is productive. I would rather have a lively discussion with the members and get their ideas with respect to the Ministry of Intergovernmental Affairs. My suggestion is that I dispense with the statement.



If members would like, I could send them a copy of it. I do not think it is productive to stand here and read it for half an hour. I would like to have the ideas of my colleagues with respect to the carrying out of my onerous duties as Minister of Intergovernmental Affairs.

**Mr. Bernier:** May I respond to that?

**Mr. Chairman:** Yes.

**Mr. Bernier:** I think it is pretty loose for the minister to stand up and say look, I have the statement here; I am not interested in reading it. We on this side of the House would like to know exactly what the minister has been doing, if anything, in the last year or year and a half with regard to the Ministry of Intergovernmental Affairs.

**Hon. Mr. Peterson:** Obviously, the member needs some time to prepare his remarks or think about what he wants to say. I remember when I was a member of Her Majesty's loyal opposition—and I was there a long time—the most lively discussions I had were with ministers who had the confidence to come in and discuss the issues without statements prepared by the bureaucrats.

That is why I elected to dispense with a statement, to get the benefit of the members' well thought-out ideas on the carrying out of my responsibility. Anybody who reads the newspaper is aware of the things we have been doing in our trade initiatives and our relationships with our sister provinces as well as internationally; so I have decided to throw myself on the mercy of this great chamber and get the benefit of the members' advice. It is open to them for discussion.

**Mr. J. M. Johnson:** I would like to accept the minister's challenge. He wants advice from us. Our advice is to tell us what he has been doing for the past year and a half. He has been on a trade mission to Japan and the Far East. I assume that would be as either the Premier or the Minister of Intergovernmental Affairs, or likely a combination of both. He has been negotiating on the free trade, or freer trade, issue—whatever terminology he wants to use to cover that—with other ministers from across this country and with the Prime Minister of the land.

We would like to hear his comments on that. After those comments, we would like to participate. We would like to hear that now. He has asked for advice. That is my advice.

**Mr. Foulds:** Mr. Chairman—

**Mr. Chairman:** No. The minister has given his statement in a very condensed version. The

critic of the official opposition is next with his statement.

**Mr. Foulds:** I thought they had already made their statement.

**Mr. Chairman:** No.

**Mr. Guindon:** In introduction, I am pleased we finally have an opportunity to discuss the estimates of the Ministry of Intergovernmental Affairs. This process gives us the opportunity to hold the government accountable for its expenditures and to compare its words to its actions.

The Liberals' approach to intergovernmental affairs has been notably misdirected and incohesive. In opposition, the Liberals spoke at great length about how well they would interact with the federal government, Washington and foreign governments. Now that the Liberals have had the chance to govern the province, it appears they are disastrously ineffectual in presenting Ontario's concerns to anyone. The minister may attempt to talk tough, but nobody listens; or, as with the softwood lumber issue, the minister does not do anything until it is too late. Consequently, the province has suffered.

I would like to focus on some of the problem areas that illustrate this government's lack of statesmanship. On the native rights issue, I believe the Minister of Intergovernmental Affairs will agree with me that the native people of our province deserve, at the very least, fair and equitable treatment. The previous Conservative government always treated native leaders as the rightful representatives of the native community. We recognized that these leaders were well-informed spokespersons whose contribution to government policy was greatly valued. However, the Liberal government has expressed a lack of respect for the opinions of Ontario's native leaders, which I believe jeopardizes all native people.

A number of complex issues vital to native rights will be discussed at the upcoming constitutional talks. The minister responsible for native affairs, the Attorney General (Mr. Scott), has indicated to the United Chiefs and Councils of Manitoulin that he is prepared to endorse constitutional changes but that the changes will be those he sees fitting. Gone are the days of consultation. The Attorney General and the minister would rather negotiate on behalf of Ontario's native people than consult with native leaders first.

When will the paternalism at the conference table stop? Are they going to continue with paternalism, judging for the native people what constitutes progress instead of allowing the

native leaders, who are more than capable, to make the decision for themselves? Will the minister assure the House that Ontario's native leaders will first be able to approve the proposed constitutional changes and that he will then act accordingly?

**15:50**

International banking centres are another issue. The minister has failed to negotiate effectively a good deal for Ontario. The federal government announced its intention to designate Montreal and Vancouver as international banking centres months ago. Although such a plan would have a detrimental effect on Toronto, the minister has yet to influence the federal Minister of Finance to change the proposal.

Despite all the Liberal election promises to talk tough and stand up for Ontario when dealing with the federal government, they have not managed to gain equality for Toronto. The minister's inability to present clearly a convincing case for Toronto could jeopardize Toronto's competitive position as a banking centre and shift hundreds of jobs from Toronto to Montreal.

Can the minister assure Ontarians that their capital city will not be excluded from the international banking proposal? Will he tell the federal government that Ontario wants all three cities named or no cities named at all?

On child care, the traditional family unit is undergoing a series of changes. It is the responsibility of governments to adapt their policies and alter their programs to meet the demands of the new social realities. The high number of two-income families in addition to the many single-parent families has increased the demand for quality day care facilities. Unfortunately, many Ontario families must struggle to pay their day care costs while the government offers only nebulous promises.

For more than a year, we have waited for the government's white paper on child care and there still is nothing. The Premier mentioned child care briefly in his opening statement at the recent first ministers' conference, but he made no real policy announcements. The truth of the matter is that this government has proved itself incapable of negotiating quickly a financial agreement with the federal government that would ease the child care problems in Ontario.

Is the government negotiating an agreement to restructure the Canada assistance program to allow Ontario to utilize spaces in commercial day care centres? If so, what is the status of these negotiations? When can we expect to see the details of a policy proposal?

On the softwood lumber issue, not only has the minister failed to represent Ontario's interests adequately at the federal level, but he has mismanaged the province's international affairs as well. The Ontario government has been sitting on the sidelines during the entire softwood lumber dispute between Canada and the United States. At no time during the negotiations did any officials from the Ontario government travel to Washington to lobby on behalf of Ontario softwood lumber producers. Moreover, this provincial government agreed to the proposal made to the American producers that stumpage fees in the province be increased by 10 per cent.

Northern Ontario especially is reeling from the effects of the countervail duties imposed on Canadian softwood lumber, a duty this government did nothing to stop. The Premier of British Columbia travelled to Washington many times to speak on behalf of his province, but we in Ontario had no such representation, even though the softwood lumber industry is vital to the health of the whole province.

I am certain the government must know that Ontario's softwood lumber industry is primarily concentrated in the northern part of the province where unemployment is already high and where 21 communities exist primarily because of the lumber industry. Towns such as Elliot Lake, Terrace Bay and Nakina have all been rocked by recent layoffs, yet the provincial government has provided little assistance for the north.

If the Liberal government had stood up and talked tough for Ontario, the industry might not be in such bad shape today. In 1983-84, the previous Ontario government sent the Minister of Natural Resources to Washington personally to lobby members of Congress and the administration. In each instance, Ontario's case prevailed and proposed tariffs against our softwood were defeated. It appears this Liberal government prefers to sever ties with the US. By closing its Pennsylvania office, it lost the eyes and ears that kept us in touch with the mood in Washington.

When will the Liberal government develop a strategy that is more than mere rhetoric to fight American protectionism? When will the people see some effective leadership from the Premier, the kind of leadership that will defend Ontario jobs?

I notice in the estimates briefing book that the government has closed Ontario House in Brussels. It is interesting to note the gross discrepancies between the needs of the province and the policies of the Liberals. While Ontario should be taking advantage of opportunities to expand into



foreign markets, the Liberals close down our foreign operations. The Premier has stated that for every \$100 Europe spent on imports in 1985, only \$1 came to Canada. Clearly, we should be developing this market, not giving up on it. Instead of creating opportunities for us to expand in Europe and to sell more Ontario goods and services, our government has packed up and come home. At a time when it is important to identify and advance Ontario's interests and relations with governments abroad, why did the government close Ontario House in Brussels?

Considering that Adrienne Clarkson resigned as Ontario's agent general in Paris weeks ago, why has the government taken so long to announce her replacement? Is it intending to shut down that operation as well?

With respect to property rights, the inclusion of property rights in the Constitution has long been an issue of interest to Ontario. The member for Waterloo North (Mr. Epp) has been an ardent advocate of property rights. We would be interested in learning the views of the Attorney General on property rights and how he sees them affecting zoning bylaws, environmental bylaws and restrictions on farm severances. At the upcoming constitutional talks, will the Premier be pressing for a provision for the protection of property in the Constitution?

There are a number of outstanding questions in Orders and Notices related to the Ministry of Intergovernmental Affairs. We hope the Premier will be good enough to answer those questions today. We are waiting for answers to questions such as, "Would the Premier provide a list of all individuals who are employed in his office as of October 24, 1986, including anyone who has been seconded from within the government?" That question came on October 27, 1986, from the member for Dufferin-Simcoe (Mr. McCague). Also, "Would the Minister of Intergovernmental Affairs provide documentation indicating moneys spent obtaining poll results from polls not commissioned by the government; from whom these results were obtained; a copy of all information obtained?" That question was asked on November 13.

Those are just two of the many questions we hope the Minister of Intergovernmental Affairs will answer during these estimates. Given that the government constantly speaks of its no-walls, no-barriers administration, why is it not releasing information regarding expenditures of public moneys?

I have a series of questions related directly to the estimates briefing book. The ministry data

are difficult to follow and difficult to compare with earlier years because of the reorganization of ministerial responsibilities. I would like the Minister of Intergovernmental Affairs to tell me how many people are employed by his ministry, either on contract or otherwise, who are not classified as civil servants. Also, I would like to know the costs of their services in 1985-86. He has allocated a 60 per cent increase to the ministry administration program in 1986-87 but has given the intergovernmental relations expenditures only a 0.6 per cent increase. Is this indicative of the government's priorities, placing intergovernmental relations at the bottom?

Why did the minister choose to increase the hospitality fund by \$125,000? I would like to be invited, if at all possible. What trips is the minister intending to take that could possibly warrant an increase in travel and related expenses of \$82,500?

This concludes my statement. I look forward to hearing the minister's responses to the questions I have asked here today and to the outstanding questions in Orders and Notices.

#### 16:00

**Mr. Breagh:** I wanted to participate this afternoon because this has long been one of my little hobby-horses. The Ministry of Intergovernmental Affairs has not exactly been on the front burner of anybody's agenda for as long as I have been a member, but it does emerge from time to time as critical. It usually emerges in the midst of some disaster. Usually plants are shut down and someone asks why we do not have somebody working in Washington to represent Ontario. The response usually is that it is an international matter and the federal government basically takes charge of those things.

What we are realizing repeatedly, though, is that the interests of the federal government do not always coincide with the interests of the province, and that demarcation causes us aggravation; it causes us loss of jobs and income. It does not do us much good to have our Premier at odds with the Prime Minister over softwood lumber, the auto pact or anything else. The unfortunate truth is that the damage is done before we are participants.

I know there is a process whereby the federal government chairs meetings of first ministers, and on a reasonably regular basis ministers of health or finance will gather somewhere. That is the process we know. The problem is that it is not an ongoing process. In an ongoing process, the best you can find is that staff people talk to one another regularly; they trade important docu-



ments and they have their staff arguments back and forth. In terms of political input, it is spasmodic at best.

I have long been an advocate of the idea—and I am going to try it on the new Premier today to see whether he is any more receptive to it than previous Premiers have been—that on matter of trade, international relationships and interprovincial relationships there ought to be three-party activity at work in the Legislative Assembly. Whether he wants to use a committee of the Legislature or whether he wants to strike a special committee to do it, I really do not care how it is done. I believe, for example, that when Ontario's softwood lumber industry is threatened, the response ought to be from all three political parties.

We have done that in a rather weird and wonderful way so far. The only mechanism for doing it is through question period and on occasion—for example this afternoon—when estimates are before us. Again, our ability to respond is spasmodic. It happens every now and then when there is a hot political issue that will dominate question period for a little while, or during the course of the estimates, which means once a year we get to talk about that.

If that is the way we are to proceed, the difficulty is that all we can do is complain about it when something goes wrong. The Premier will hear the complaints during question period, as he has in this fall session; bitter, acrimonious debates that he did not do his job, that he did not go to enough meetings or that he did not have enough representation at congressional hearings. If that is the way we are to proceed in the future, I am afraid that is all we will ever get.

I want something more. I would like the opportunity on an ongoing basis to define those issues before they happen, before the plants are closed or before the softwood lumber industry in this province is dead. I would like to have a committee of the Legislature working on that kind of problem. In our changing of the committee system a bit, it seems to me we have provided the occasion when some of that could happen. We have not said, as I believe we should, that relations with other provinces and other governments ought to be a matter of serious consideration on an ongoing basis at Queen's Park.

That is my first little pitch this afternoon, to try to get the Premier in a sense to upgrade the status of intergovernmental affairs; they deserve more time and energy on the parts of all members, who

would need a vehicle for upgrading. That is the first point.

Second, I want to get a little bit more specific. Governments in this country are very often working at cross purposes. I will pick one example and enlarge on it a bit. In the auto industry, the federal government seems adamant that it will attract offshore producers into this market. In several parts of Ontario and Quebec, auto production facilities have been built in large measure with federal tax dollars and in some ways with Ontario tax dollars as well.

I know it is good to open up the plants, and I know it is a good political thing to toss the first shovel of dirt as they begin construction on a new facility. I know all of that. I know it will generate some jobs in small-town Ontario. But I also know that bringing in offshore producers under those terms and conditions puts a measure of unfairness into the auto industry here in Canada.

Why should General Motors grab all of its \$2 billion worth of investment and put it into an Oshawa plant when its competition can get subsidized for its investment? GM is quite upset about that. It is so upset that I see it is actually beginning to listen to the federal government's line that it ought to take a subsidy for its Ste. Thérèse plant.

Not very long ago the General Motors executives with whom I have had a chance to talk in the past little while were adamantly opposed to that. They did not want government involvement. They certainly did not want that kind of investment going into their competition's pockets, which is precisely what has happened.

The problem I want to point out to members is that nobody has sat down as a group and said, "Here is what the federal government ought to do, and we ought to push it in that direction." The logical thing around auto production, for example, is very simple: If an offshore producer comes into Ontario under any condition, the first thing it has to do is to join the auto pact. An offshore producer who comes into Ontario—into any part of Canada, as a matter of fact—and sets up a production facility should do so under the same rules and guidelines as any other existing auto producer.

I do not believe that is unfair. I do not even believe it is a hardship. I believe those are just the rules of doing business in this country. It is as simple as that; and if those rules apply to Ford, Chrysler, General Motors and American Motors, they also ought to apply to Toyota, Honda and anybody else who comes in here.

I remain unconvinced, quite frankly, and this would not be a popular statement in many parts of Ontario. I believe it is not the smartest thing in the world to subsidize these offshore producers in Ontario. I am not at all convinced that in the long run this is going to do anybody any good. I am not convinced that the long-range application of federal and provincial subsidies in the private sector in the auto industry is going to do much more than provide us with a little more domestic competition.

I believe the offshore producers are here in Canada because the value of the dollar makes a big difference in putting up the production facility. More important, they are interested in long-term cost, and they know it will be cheaper to produce those vehicles here. They are not looking for access to the Canadian market, although that is a consideration. I think their prime consideration is access to an American market; that is exactly what they want.

I do not believe their plants are built in southern Ontario by accident. I do not believe they are all collected along Highway 401 by accident. They know what they are doing. They want to take a government subsidy and build a production facility here in Ontario. They want to compete with the existing auto makers and they want into the American market. Their game plan, I believe, is quite straightforward, and I have not heard any of them deny it for a moment. That is what they want to do.

To go back to my original point, what is our game plan? What is the game plan for Ontario and for the federal government of Canada? I do not know that there is a game plan. I know that when somebody comes knocking at your door looking for money, there is a response. It is generally seen to be a good thing to put up an auto plant in a small town, and there is a response to that. But is there a long-term thought in mind about whether this is good or bad in the long run? Is there a plan in mind?

My concern here is that I know the auto producers reasonably well. I know they have a plan in mind. They know exactly what they want. If they can get a subsidy from the government, federally or provincially, that is okay too, but that is not the critical decision point; that is not what makes the difference to them. The federal government is very open in its courtship of offshore producers and very open with the chequebook as well, but I do not believe that is their critical consideration.

Their game plan is somewhat different. They know exactly where they want to be. They know

exactly why they want to be there. They know exactly which market they want to get into. If you had said in this country 10 years ago that these producers would be taking 30 per cent of our domestic market, everybody would have laughed you off the block: "Nobody wants those funny-looking little cars. People want nice big shiny things with tail fins on them." That was the thought in the industry. Now it is a serious competitive problem.

The strange thing, and the one that confuses me no end, is why the government of Canada and the government of Ontario want to subsidize this. I do not understand that. I would be more comfortable with that notion if it were part of an economic strategy, if we as governments in this country knew what we were going to do, what we wanted to do and decided this subsidization was one tool to get to a longer goal. That is not the case.

#### 16:10

Somehow, issues such as that have to be picked up. For example, I do not know why we have trade offices around the world, certainly all through the United States, but we do not have an office in Washington. That confuses me somewhat. I have had an opportunity, as many members have from time to time, to visit our agents general, trade offices or whatever name they are going under these days.

It is interesting to visit those offices. In some places they are what we might call almost diplomatic offices; they are there to represent Ontario. When we ask what they do, they do what diplomats do: they attend receptions, seminars and conferences, explain what Ontario is and try to attract new industry. In other places, they are sales offices; they are selling Ontario products in different markets in the US.

It seems a little backward to have offices throughout the US but no office in Washington, where all the action takes place in legislative terms. On the auto pact, softwood lumber and a number of other issues that are coming up, it seems only logical to have representation in Washington.

I know there may be a bit of an argument from the federal government which says, "We represent Canada abroad." However, Quebec has repeatedly entered into that argument with the federal government and has said: "Well, never mind that. You are quite free to represent Canada abroad, but Quebec also has interests that need to be met. We want our own staff there. We want our own representation, for example, when there are congressional hearings or parliamentary



hearings under way anywhere in the world." Quebec wants to be represented, and I quite agree with that.

I do not believe the national interest always runs directly concurrent with Ontario's interest. There will always be times when our interests are somewhat different from the federal interests. I know we will get into arguments with the federal government over this, and that is fine by me. I have no problem with that. I would be the last one in here, for example, to say just because Brian Mulroney wants to enter into free trade with the US, that is what we should do and his should be the only voice heard at the American Congress, or that our Prime Minister has talked to their President and the two of them apparently want a free trade agreement.

I visited the Congress recently, and I assure members I have not met a congressman who wants free trade. All of them are talking about their plant closures and their constituents; they want much tougher trade agreements. They are not so sure Canada should get any kind of preferred status in this deal either. There are a number who think the Canadian industrial sector is just as much an enemy of their local economy as are the Japanese, the Swedes, the West Germans or anybody else. They are generally friendlier to Canadians, but when it comes to whose plant closes down, there is not a doubt in their minds it should not be theirs.

We should review that process as well. We need to have some representation in Washington, London and probably in the European Community countries. Before we do that, we will have to clarify what these offices are. Are they basically offices from which a sales pitch is made? Are they offices the government of Ontario uses to see that when a tariff is being discussed in the American Congress, our representative is there, is aware of what is being proposed, can perhaps have some kind of influence on how the proposals are put together and can see that the Ontario position is made clear to the Congress of the US or whatever government body is making that decision? Some rethinking of the nature of the offices and some redistribution is required.

I would not be an advocate of the position, for example, that we will never again sell anything to Pennsylvania because we closed an office in Philadelphia. I have not been to that office, but I have been to others where it was clear the staff did not have much of an idea of why they were there. There was an operation suitable for attending cocktail parties and that was about the end of it.

I have also been to trade offices where the staff had something very specific in mind and went to work. One that comes to mind is the one in Atlanta, which we went to see last year. The staff working in that office had a very clear mandate. They knew what they wanted to do and they were working very hard to promote Ontario industry and the relocation of some industries out of the southern part of the US into Ontario. They knew how to do that, they knew where to be, they had a good idea of the trade shows they should be in attendance at and there was a pretty good flow of information back and forth.

My personal experience has been in two offices: one in San Francisco, where they seemed not to be aware at all why they were there, and one in Atlanta, where they seemed to have a very good idea of what it was all about and what their purpose in life was.

**Hon. Mr. Peterson:** We closed down the San Francisco office.

**Mr. Breaugh:** I am aware the San Francisco office was closed down. That was right after I left. I am not sure anybody in San Francisco has noticed, however.

Let me move on to a couple of other areas where I am making the argument that we ought to have a better vehicle for discussing this stuff.

The Constitution of Canada is under review in a number of ways. This House does not have much of a vehicle even to talk about that. That Constitution affects the people of Ontario every bit as much as any other province. We do not even have a vehicle for discussion. Again, we would have to go back to question period stuff or, occasionally, during the estimates. There is no regularly scheduled vehicle to do that.

For some time now, there has been a report from the standing committee on the Ombudsman, and I recall the late Jim Renwick had motions before that committee and this House to discuss international affairs. There would be some, I suppose, who would say this is a provincial Legislature and we should not talk about Afghanistan or things that are happening in Africa or in Central America.

As one member of the assembly, I believe this may not be a full-time item for us, but I believe there ought to be a way whereby we can properly put in front of this Legislature, from time to time, matters that may not have anything at all to do with this jurisdiction; they may have to do with atrocities that are happening somewhere else in the world. The truth is that we have people in this province from all over the world. They are alarmed by actions that are taking place else-



where in the world. They want us to talk about these issues. They want us to have a vehicle whereby we can discuss a variety of things. That happens from time to time. Various members put forward resolutions and private members' bills, or we go off to one of our committees and try to raise something there, but it seems to me it is not that difficult to think through a mechanism whereby we can voice the opinion of our constituents in many cases about an international matter and we should work to find a method to do that.

One simple way would be to adopt recommendations from the Ombudsman's committee. It seems to me that would be a vehicle to do that, and from time to time we could set aside some of our legislative program and deal with something on which I am sure somebody would say, "That is none of your business." In a sense I accept that, but I also want other people to accept that I do have some thoughts about what happens to Soviet Jews. I do not have very many Jewish people in my constituency and, to my knowledge, I do not have any Soviet Jews in my constituency, but there are a lot of us who want to express an opinion on that.

We would like to do little things from time to time that might actually free somebody, that might actually make a little change in the way the world goes about its business. If governments in Afghanistan, Nicaragua or wherever got a little letter from us once in a while they might understand there is an awareness of international issues even in this provincial Legislature. All I want is some mechanism to try to deal with those.

Let me move on to one other area that disturbs me somewhat. From the Department of External Affairs, I have a blue volume on Canada's international relations. It is the response of the government of Canada to the report of the special joint committee of the Senate and the House of Commons. I looked through it the other day. It is not exactly light reading, but it brought to mind another slippage within our system.

The province of Ontario and this Legislature do not have much of a relationship with the House or Commons or the Senate. Even within our own country we seem not to have the linkages. Once in a while, one of our committees will go and visit the House of Commons. As an example, we went to see how they set up their process to televise the proceedings, how it was working, how they review it, what kind of equipment they had and what kind of guidelines they had for it. But that is a rare occasion. We do not have anything whereby once a year we all go

down and find out what is happening in Ottawa. There is no mechanism for things to happen back and forth, either between the House of Commons and the Senate and this Legislature or either of those bodies. It seems to me that is something we ought to consider.

It is apparent to me, as one member, that a number of international issues have a direct impact on Ontario. Small towns in the northern part of this province will disappear because of what our federal government has done in negotiations in Washington. There may be those who would want to go to those small towns and say: "But it is not our business. The federal government was supposed to do that, and it did not do its job." That is no comfort. That is not even a response to people who have had their entire livelihood removed. It is surely no response when a whole town will disappear because tariffs are changed.

#### 16:20

We have to set in place in a tangible way some mechanisms that will allow us to keep track of what the federal government is doing. We have to meet with it on a rather regular basis. We have to be aware of what it is doing. It is not as if we are in isolation here. We now have computers in our offices, which in an indirect way can get information out of the federal government. We need to embellish those systems a bit more. We have research people around here who give us studies on various position papers put forward by the federal government. We do have some linkages. I want them in a more visible and more accurate way.

In the end, we may wind up with what the previous government did. Every once in a while, when it was deemed appropriate that the Premier ought to travel abroad because it was good for his image as a dignified person travelling about the world, some important conference would be found somewhere and away he would go. The purpose of the exercise was news coverage: "Here is the international side of Bill Davis. Here is what a splendid diplomat he really is." He was all those things. He could shake hands with the best of them, he was very good at dinner speeches and all that, and so is the present Premier.

To be a little crass about it, the purpose of the Ministry of Intergovernmental Affairs was to embellish the role of Premier from time to time as the government saw fit. There was not much interest in establishing an ongoing role for the Legislature; no such vehicle ever existed. Every once in a while, something happened that caused

disruption in our own economy, and the government was always quite happy to point its finger at Ottawa and blame Trudeau or whoever was in office at the time.

I am making the argument that this is not good enough any more. I believe Ontario has a small role to play in international affairs, but a role to play none the less. It may turn out to be a defensive role. It may turn out that the biggest single thing this ministry does is to be aware of what is happening in Washington, London, the European Community countries and so on. That would be a gigantic step forward, it seems to me, because it is true now that we have a fuzzy awareness. We are not active participants in trade talks in Washington. It would be folly to try to portray us as that. We are not. At the best, we respond after some decision has been made. I want some vehicle that will allow members of this assembly to do that.

To go back to the trade offices as an example, I will bet there is not a member in here, including the Premier, who can tell us whether the trade offices are all doing a good job. None of us has ever seen them. They are thousands of miles away from Ontario. We have a rough idea on paper, but it is a rough idea indeed, enclosed in the briefing books, of what they cost and what they are doing. However, not one member of this assembly has a good idea of what our trade office in Paris or the agent general in London is doing these days, because there is no way to get that kind of information. It is not possible. It is not like many other things.

We can probably travel Highway 401 and tell whether the Ministry of Transportation and Communications is keeping that in good shape, but we cannot say whether the trade offices are a good or bad idea or whether they are working well or not at all, because there is no clear reference point. Members cannot report to the assembly that they know what is happening in a trade office somewhere; they have never been there.

**Mr. Wiseman:** Ask for a report.

**Mr. Breagh:** Somebody is burbling over here about asking for a report. That is my point exactly. I do not want a report from anybody. I want a way I can find out what is going on.

The previous government was wonderful at this: One could ask it about any problem in the world, and it would generate 600 pages of paper and put it on one's desk. It told one nothing. It was good for the pulp and paper industry, I am sure, but that is not what I want. I do not want a report. I want a vehicle whereby we can find out.

**Mr. Wiseman:** We should send a select committee around to all of them.

**Mr. Breagh:** It is unfortunate the member is here today. He is such an obnoxious person when he is here, I am glad it is a rare occurrence.

**Mr. Wiseman:** Let us have a select committee.

**Mr. Breagh:** The member wants a select committee. I am prepared to buy him a bus ticket out of town. I do not want a select committee either. What I want is the opportunity for the members of the assembly to know what is expected of our trade offices through a mechanism that tells us how active they are and what things they are into. For example, one thing that intrigues me is that because the nature of their work is somewhat general, there does not appear to be a good way to measure whether they are effective.

I recall we had a good discussion about this in Atlanta. We basically asked them to take us through the process: "When you identify a lead for a market for a Canadian product, how do you follow it up?" They had a good system of following it through. The only thing that was missing was an examination of whether the process was really worth while, a good way to evaluate it. They admitted there was no formal process for doing that. They thought it was good. They had good year-end statistics. They kept pretty accurate records of where they went, what they did and whom they met with. There is a need to evaluate that process.

Let me give a couple of other areas that will make the case that we ought to be more active in this regard.

For many of us, our native people have been one of the tragedies of this country for a number of years. Ontario is less of a player than is the federal government, but none the less it is a player. This is another area where we have tried to find a way with the agenda at Queen's Park to talk about those issues, and there is no formal way to do it. You are left trying to find a good question for question period or on occasion during somebody's estimates, where it is rather free-ranging and you can do it. We do not consider native people to be on our agenda; they are kind of off the map.

In defence of what we are doing, I do not believe it is totally bad. This government has some quite good intentions. For example, in our television broadcasting, the first use of our television system comes from some of our native people. They want to use the television system to do broadcasting in their own languages to the far



northwestern part of the province. We were happy to accommodate them, as it was not going to cost us any money. There ought to be more occasions when the rights and needs of our native people and others in our community get a response from the Legislative Assembly of Ontario in a direct way.

In all these aspects, I am saying that much of what we do now is a response or an initiative by more than one level of government. We as a Legislative Assembly have prepared ourselves to handle that. If you stop to think about it, rarely is a project built or a building put up these days that is not done by more than one level of government. Almost all major projects and initiatives, whether they are health and welfare programs, education programs or medical programs and things of that nature, are done jointly. They are financed and controlled jointly by different levels of government.

We do not set up shop to deal with it on that basis, and I believe a case can be made to have a Ministry of Intergovernmental Affairs that is far more active than it has been in the past. There is an urgent need for us to get our act together in some respects for things such as softwood lumber and the auto pact, two examples that come quickly to mind. We should never again get caught as we did on the softwood lumber issue. We should learn from that lesson that sometimes the federal government has a different agenda from ours. That is fair and reasonable, but it is our responsibility to see those things do not happen in quite that way. It is our responsibility to be aware that the government in Washington can make simple tariff adjustments that seem quite reasonable to it but have dramatic effects on our own economy. We need to understand that.

We need to understand that if we are to be successful at developing the economy of this province, it will have to be as part of a larger plan. It would be silly for Ontario to have an industrial economic development strategy that was completely at odds with and spent most of its time, energy and money working against a strategy that was put in place by one of the other provinces or by the federal government. We need to negotiate that. We need to have that kind of strategy.

In many respects, I am arguing that the assembly needs to pay more attention to this ministry and that the Premier needs to do a few things that will embellish it. I want to give him some credit because he has done some things the previous government did not do. On one or two occasions, he has invited opposition members to

accompany him as he travels about the world. That is fine by me, but that is not going to do very much to resolve larger problems.

I want him to take the next step. I want the assembly itself here at Queen's Park to have more occasions when these matters can be debated. I want the members here to have a greater role in what happens at the first ministers' conferences. We do not want to sit at the table; we do not want to be that kind of participant. But we want a vehicle whereby he can test out, from all the parties here at Queen's Park, what Ontario's position should be. We can do that right here; we do not have to go anywhere to do that. There will be occasions when it will be wise to have a delegation from all three parties—dominated, as always, by the government party—to represent the province at different events.

**16:30**

I know that some part of the Premier's agenda has been to try to expand that a little, and I congratulate him for that. However, I am saying that more day-to-day work needs to be done and that a vehicle needs to be found whereby the members of this assembly can voice their opinions on international trade matters, on human rights issues, on matters that have great concern to our native people and that are of concern to our economy as a whole or to our economy specifically.

I am afraid our response of setting up select committees to deal with problems has always been after the fact and has not been as productive as I would like it to be. I sat through select committees on a variety of matters. Sometimes they seem to be appropriate vehicles and at other times they are not workable; they just do not solve problems. For the most part they do not solve problems, because they do not come into being until after the problem has occurred.

Therefore, I am asking this afternoon that the Premier give some consideration to reviewing the role of this ministry and to finding, in as many ways as he can, techniques whereby ordinary members of the assembly can at least voice their opinions on these matters and perhaps even be productive in attempting to see that Ontario, in its relationships with other levels of government here and abroad, can be more productive and more positive. If we get that one simple message across this afternoon, we will have done something worth while.

**Hon. Mr. Peterson:** I should take the opportunity to respond to some of the points raised by my colleagues and to thank them for



their constructive suggestions. Perhaps we can discuss some of them more in detail. I am intrigued by some of the ideas, and I assure members I am looking for constructive ideas for involving my colleagues in some of the very onerous decisions I have to make.

With respect to the concerns expressed in the speech by the member for Cornwall (Mr. Guindon), one was the question of native rights. His feeling was that we are not doing enough, I guess, or something of that nature. I think he has missed the tone of what is happening in the province. This is an issue for which, as the member knows, I do not have direct carriage. The Attorney General is the minister responsible for native affairs. I am very deeply interested in it and I have spent a considerable amount of time on it, not just as Minister of Intergovernmental Affairs but as Premier as well. As the member knows, the first offer ever made in terms of land claims was made by this government, a subject that was talked about for a very long time.

I do not want to stand here and be forced into a position where I sound self-congratulatory, but I will tell the member that the native people I have talked to—and I have talked to many of them—sense a completely different atmosphere from just a year and a half ago. We are determined to make progress. We have had considerable discussion about the first ministers' conference that is coming up in April, I believe, with respect to native rights. The member knows our view on self-government. It is an issue we intend to pursue. I cannot speak with certainty about how the other provinces will view this.

Let me flip over to my colleague the member for Oshawa (Mr. Breaugh) in that regard. He has a constructive idea. Perhaps on that issue we should have a debate ahead of time and get the views of the members of the Legislature and of the various parties. I agree with my colleague from Oshawa that a number of these issues can be handled on a nonpartisan basis. When I see those committees or some institutions working in which people are stretching to make a genuine contribution as opposed to just scoring political points, he knows the difference; he and I have been here long enough to know the difference between those ways an institution can function.

I view it as very constructive, just as I viewed it as extremely constructive when we were accompanied to the Far East by the leader of the New Democratic Party, by the member for Sarnia (Mr. Brandt) and by the member for Nickel Belt (Mr. Laughren) as well as by the leader of the Ontario Federation of Labour. I

believed very strongly that the strongest statement I could make about the political stability of this province and of this country was to include my colleagues. I did not tell them what to say. We did not orchestrate their time. They distinguished themselves as individuals and were extremely helpful in putting over the face of Ontario. I was proud to introduce them to the people I was meeting on that occasion. I will speak more about that later.

My colleague the Minister of Colleges and Universities (Mr. Sorbara) tells me the former minister, the member for York Mills (Miss Stephenson), was extremely helpful to him on the trip to Bahrain. She had been there before and knew the situation and the players. It was largely her dream and a lot of her ideas. From everything I hear, it was an extremely constructive situation.

I have suggested to my colleagues that they should include their critics. Let me be very frank about it. Some critics are very constructive and assist in those matters, and some are not. I cannot tell critics how to behave in a situation such as that. Some take advantage of the opportunity—let me be frank—to score cheap points; other people take a very constructive view.

We have attempted to be generous in all respects. I say to my friend the member for Cornwall—and he will not remember this, but I do—we try very hard to treat the members of the opposition very differently from the way I was treated when I was a member of Her Majesty's loyal opposition. I do not claim to be partisan about that but I think it is a different situation. I remember the situation in opposition extremely well.

Let members look at all the rules of this House. They will see how they have changed so dramatically to favour the private member and indeed the opposition. It is dramatically different from what it was even two years ago around here. I do not look for credit but at the same time I think members should be very cognizant of the changes that have been wrought in this place in the past couple of years.

**Mr. Wiseman:** Barred from meetings and everything. Invited to the meeting and then barred from it. That is not open government and you know it. I phoned your office about it.

**The Deputy Chairman:** Order.

**Hon. Mr. Peterson:** My friend the member for Lanark is getting testy.

**Mr. Wiseman:** I phoned your office about how open you and your ministers are. Invited to a meeting and then told you are not welcome.

**Hon. Mr. Peterson:** I do not know what my honourable friend is referring to. If he is not invited to some meeting—

**Mr. Wiseman:** Your Minister of Health (Mr. Elston). I phoned your office about it.

**Hon. Mr. Peterson:** I have no idea about the honourable member being invited to a meeting.

Let me go on to the second point with respect to the international banking centres. I am glad the Conservative position is clearly against what the federal government has done. We have conveyed our view to the federal government in very clear and unequivocal terms.

It is not my style of interprovincial and federal-provincial relationships to scream, hoot and yell. I believe there is a better atmosphere in this country at present in spite of the differences. Looking back not too far in history, I refer my friend to the relationship between Quebec and Ontario and to that between Ontario and the west today. Let him compare that to not too many years ago. I remember those days extremely well. It is something I value extremely highly. I have put a great deal of personal effort into that because I believe in Ontario playing a constructive role in Confederation. We have to use the advantage we have in a constructive way, not a destructive way. I believe in being co-operative on a nonpartisan basis with the government of the day at whatever level.

I look back to the first time I attended a Premiers' conference, as someone recently elected, knowing virtually nothing. Five different political parties were represented. I was welcomed in with open arms, as anyone in my position would be, just as we have welcomed in, now that I am almost a senior guy in terms of longevity in this business, the new people who have been brought in. Partisanship does not come into it among the provinces at that level. We are all struggling for the things we have in common, given that we do have natural differences.

With respect to the question of international banking centres, it was an afterthought in the federal budget. There was a line in the budget saying, "We are going to have have Montreal and Vancouver as international financial centres." The Ottawa colleagues of members opposite did it, not mine. I do not want to overstate this, but it was the most superficial, silly thing I had ever heard in my life. Where that came out of nobody knew. It came out of the blue. I am sure all my friends opposite are offended about that. We have conveyed that view to the Prime Minister, the Minister of Finance and everyone else concerned about that.

As the member said in his statement, it is lunacy to do that to Montreal and Vancouver and not include Toronto. Either treat them all the same or not at all. Can he tell me what possesses those people in Ottawa to make some of the decisions they make? I do not want to get dragged into being overcritical, but sometimes I worry about the judgement I see displayed by some people. There is a perfect example of that.

**16:40**

I am asking the member to help me out. I would like him, as the critic for his party, to convey the official view of his party to Mr. Mulroney and tell him how wrongheaded it is. We are struggling very hard in this province to keep Ontario and Toronto in the forefront of the changes in the financial industry to keep it as a world-class financial and banking centre and we need his help in that regard. They all know our views on the subject. They know the views of every thoughtful person in this province. If they are going to persist—and Lord knows why they are going to persist; one can only interpret that they have some political considerations they are not going to share with the member or myself; I do not know—I am hopeful my friends opposite will join me in putting that strong point to Ottawa.

The next point the member made was on quality day care. Again, that is not my responsibility, but it was not just mentioned in the opening statement. There was a very major amount of work put into that. It was the second day of the federal-provincial conference when Ontario put forward its new approach. I am sure my friend opposite understands day care issues. He will realize the things I announced were indeed ground-breaking. They were a major new step forward in child care policy in this province with respect to direct grants and other matters.

We also believe the ideal way to handle this situation is on a federal-provincial cost-shared basis. At present, we operate under the Canada Assistance Plan Act. A meeting of ministers is scheduled for January 20. It is my hope, and I suggested to the Prime Minister—because my preference always is to organize these things on an interprovincial, federal-provincial basis—that the ministers of finance should have been there as well as the ministers responsible for women's issues and for community and social services, to develop a consensus on the cost-sharing because it is a financial issue. There is no question about that. It is not just a social service issue. Again, if the member can use his good offices to persuade his federal colleagues to take the view that I



gather he shares with us, I will be delighted in that regard.

His fourth point was with respect to softwood. I could speak at great length about the softwood issue. Going back some considerable length of time—I am not sure how much my colleagues want to hear about that—it is an issue I have been very close to. Suffice it to say that when one looks back some period of time, we thought we had an agreement between the provinces and with the federal government to resist what had happened in the US and not to compromise. It came as a great surprise to us when Pat Carney, the minister, came out of Washington agreeing, with no prior consultation, to a 10 per cent compromise on that issue. We have discussed it in the House and we have reluctantly agreed to go along with it, even though it was against our very best advice at the time.

**Mr. Rae:** The Premier knew a deal was coming.

**Hon. Mr. Peterson:** No, we did not. The member is wrong. Nobody knew that compromise suggestion of Pat Carney's was coming along.

**Mr. Pope:** The Minister of Industry, Trade and Technology (Mr. O'Neil) says he did.

**Hon. Mr. Peterson:** I know the issue fairly well. My friend the member for Cochrane South (Mr. Pope) thinks that by hooting, hollering and screaming he singlehandedly saved the industry. I have heard him so many times in this House; he thinks he singlehandedly saved the industry in 1983.

**Mr. Pope:** I did not say that at all. When did I say it? Quote Hansard where I said that.

**The Deputy Chairman:** Order.

**Hon. Mr. Peterson:** He does. He gives that impression. I have talked to the industry at great length about this issue and I can tell the member that is not the industry's view of the situation, but I do not expect the member to share that view at the moment.

Then we ended up, as the member knows, with the preliminary determination and then a situation which for some reason, coincidence and time, ended up in Vancouver to be a question of how the issue should be handled. Again, Miss Carney thought she had a deal with Mr. Baldrige of the US for a 15 per cent termination—not a suspension agreement but a termination agreement that the suit would be withdrawn.

We expressed our views at the time that it was a mistake and that we should fight the matter in the courts, through the Court of International

Trade in New York and through the General Agreement on Tariffs and Trade, and use every single legal remedy we have. Agreeing to a suspension or termination agreement was virtually an admission of guilt and jeopardized our position.

We argued that position as strongly as we could. The Prime Minister, Miss Carney and all the other provinces that were involved in the situation were there. The members know the results of that. We were assured that Miss Carney had a deal—that was a month or so ago or whenever it was—and to this day there is still no deal.

There are discussions going on back and forth between the US and Canada. There is some question whether Mr. Baldrige can deliver the US industry. There is some question whether the provinces would accept an export tax, one of the federal government's suggestions, particularly in view of the historic disfavour the export tax has had, especially with the producing provinces in the west.

To say it has been mishandled is an understatement. I do not think there is one analyst looking at the way the Ottawa government has handled this situation who says it has handled it with distinction.

**Mr. Pope:** Or that Ontario did.

**Hon. Mr. Peterson:** The members opposite can blame me for it, and I am sure they will, because they think that is their job. I do not agree with my honourable friends. Objective observers, and I discount my friends opposite in that regard, do not share the view they have in this situation. I expect my friend the member for Cochrane South to take the view he has, but it is not what I consider the objective view.

There we are. Who knows what will happen? We have filed in the US. We have counsel in the US for the verification process. We think the thing should be fought through, because we think it sets a very unfortunate precedent that virtually gives up resource pricing, resource allocations and resource policy to the US, and the precedent is extremely disturbing.

Members will recall it was the federal government that got involved in the so-called free trade discussions. We have been whacked with a number of irritants since that time; the list seems almost endless.

I suggested to my colleagues that we develop a national strategy on taking our point to the US. I have been there, as members know, and my colleagues have been there. The Minister of the Environment (Mr. Bradley) has been there on



many occasions discussing acid rain policy and other things. We will continue to do that as forcefully and as well as we possibly can, given the importance of the relationship to Canada and particularly to this province, but we are not primarily charged with the responsibility for foreign policy. I will get to the point of my friend the member for Oshawa in a minute with respect to an office in Washington.

My friend the member for Cornwall is upset that we closed the Philadelphia office. I assume he is also upset that we closed the San Francisco and Brussels offices. On looking at the details, it was our view that it was not paying and that we should put our resources in other areas. As a result, we have put our resources into the Asia-Pacific area. As members know, we have put our resources into an Ontario House in Tokyo, into Korea and into China.

I should tell my honourable friend that none of those offices is now the responsibility of the Minister of Intergovernmental Affairs. We used to have a mixed jurisdiction. I believe Intergovernmental Affairs had Brussels and Paris, and all the rest were under the Ministry of Industry, Trade and Technology, which was rather bizarre. I have moved them all over to MITT to get one standard of measurement and accountability. That goes to the point made by the member for Oshawa, and he is quite right: There was virtually no accountability in the system. It appeared agents general were appointed for life. Nobody knew whom they talked to, whom they accounted to or by what standards. We are bringing in a new rigour of determination of what I expect out of those offices, and I will talk about that later. We now have four Ontario Houses; the rest are trade offices, and they have a number of responsibilities.

My friend has a number of questions about our hospitality budgets. The hospitality budget in 1982-83 was \$486,000; in 1983-84 it was \$413,000; in 1984-85 it was \$354,000, and in 1985-86 it was \$359,000. My friend will be delighted we are spending less than the previous government used to spend on hospitality.

He is concerned that we budget \$120,000 for trips. So far this year, about \$8,000 has been drawn on that, and it really is not travelling. As he knows, travelling is not my favourite thing. I travel because I have to, not because I particularly like it. It is not the same for all my friends here in this House. If the member has any other specific questions or things he is worried about—I did not get them all—we will try to provide for him the information on budgets and things such

as that today or tomorrow. Was there anything else the member wanted to know?

**16:50**

Let me talk to my friend the member for Oshawa about the idea of a Washington office. It is not a new idea. It is one that was recommended by the standing committee on finance and economic affairs of this House. That was a new committee put together by the new government to try to get input on some pretty tough issues.

It is the member's view that we should take our message on softwood and the auto pact to Washington more effectively. In general terms, I do not disagree with him. There are results every time we go.

It is a very big place. The focus of responsibility in the US is very different from the focus here. It is tougher to get to the centres of power, and the way you take your message is tougher, but I believe it is something to which we have to dispatch the entire country, all the Premiers, members of Parliament and particularly the Prime Minister. He has to take advantage of his very good personal relationship with the President to make sure Canadian interests are protected. I am very worried about what is happening in the US at the moment. I cannot overstate my worry, because I regard what is happening as extremely serious.

I have discussed with the Secretary of State for External Affairs and others the idea of putting an office in Washington. At the moment, it is still being talked about. The federal government is very much against the idea. It believes it would be encroaching on its territory, it would mix up the messages and a lot of other things. It would open the floodgates. Quebec does and does not have an office. It has a tourism office there through which it does some diplomatic things, but it has a person coming from New York on a daily basis. Really, they do not, but really, they do, is the answer to the question.

Frankly, I would rather work this out with Ottawa, if possible. I am not interested in creating diplomatic incidents, if I can avoid it. We are discussing this with the Department of External Affairs; I do not know how it will turn out. We are beefing up our New York office as well as our Ministry of Intergovernmental Affairs here to better monitor what is going on in Washington. In addition, we are using lawyers and other people there to do things.

I do not want to overstate our ability to take our message into Washington. I believe it is best worked out in conjunction with the embassy, if at all possible. I do not want to get into a

competitive situation with the embassy. I would rather it was complementary in every respect. I appreciate my friend's advice on that matter. I cannot tell him for sure how it is going to turn out.

My friend talks about an ongoing process for more involvement in policymaking or advice to the government. I have told him my view on including members of the Legislature in some of our trade missions. That is my view, because I value this. I say frankly that some of the members opposite were very constructive, and we should have the benefit of their advice. There is a varying quality of participation, just as in everything else.

I am open to suggestions the member has about ideas to involve members more in the policy discussions, perhaps on the Constitution matter that will be coming up in the not-too-distant future. We should have a debate in the House, because I think it is good point. At this point, the situation is rather amorphous. Quebec's proposals are on the table.

By the way, we have excluded all other issues; so the issue of property rights that my friend the member for Cornwall raised will not be discussed in the first round. Other issues such as Senate reform, proportional representation and other things that may or may not be subjects for future constitutional discussions will probably not be discussed at this round. The reason is to try to confine—this is the wish of most of the provinces and the federal government—the discussion to the five or six points raised by Quebec and see whether a consensus can be developed.

At this point, the discussions are rather preliminary, still rather touchy-feely. Informal discussions are still going on. Quebec does not want to go ahead into the formal round unless there is some reasonable likelihood of success; neither does the federal government, and I accept that.

I also accept with humility the mantle I have inherited from great nation builders, people such as Bill Davis, John Robarts and Leslie Frost. I believe Ontario has to play a constructive role in that regard. I believe it is in the national interest to have Quebec as part of our Constitution. I am one of those who also believes we have a relatively limited window of opportunity in this regard; so I am hoping my colleagues in all the other provinces—and under the current system everybody has a say—can be persuaded to bring this matter along as quickly as possible.

If members talk to my colleagues in Quebec and elsewhere, they will see we have been

constructive and continue to be. I will keep in mind the advice from my friend the member for Oshawa with respect to a debate in this House involving my colleagues. I do not regard this at all as a partisan issue; I hope it does not become a partisan issue. I regard it as an issue calling for the best advice of all members of this House working together, and I appreciate the member's advice in that regard.

My friend the member for Oshawa also talked about governments working at cross purposes—if I am misinterpreting some of his points, let him please help me out—with regard to auto plants, General Motors and other things with respect to subsidies. He expressed his discomfort level with subsidies to foreign plants. I understand what the honourable member is saying. He prefers that we automatically become members of the auto pact. One looks particularly at the Ste. Thérèse situation today and at the potential, if that is improperly framed, to attack the auto pact, which in my view is the single most important piece of paper to this province and to this country. It must be protected. Members can see that I have expended a great deal of effort on this issue, and I hope the federal government can be persuaded not to touch that in any regard.

I agree with the member that we should try to keep the co-operation with the federal government as best we can. Frankly, it varies from day to day and with people's political agendas. My view is to be co-operative, if possible. Particularly at the bureaucratic and ministerial levels, there are many meetings going on. There is hardly a day around here that some minister is not away at an interprovincial meeting of some type or other. They seem to be almost endless.

We now have annual federal-provincial conferences. We also meet with the Prime Minister once every three months or so on trade issues. We try to talk to each other. It is a large country and rather complicated, and the more we talk to each other, the better. How that should involve MPPs is an interesting question. I assure members that I value constructive suggestions in this regard. I am open to suggestions on how we can involve the members and get them up to date on these issues beyond our own borders, to give the ministers advice in this regard.

My friend from Oshawa suggested perhaps more federal-provincial meetings. I remember we had some of those when I was on the standing committee on public accounts. We tried that and I learned some things from those meetings. I do not travel as much as some of my friends in this House, and I never have, but I am one of those



who thinks that if we expand our horizons and get some ideas about what is happening in the world, we will probably be better legislators. I am not against that in any regard.

I talked about the trade offices, how we have quite a number and how we are moving our thrust into Korea. We are sharing the embassy space in Korea. Our trade officer happens to be a very fine young man, Ray McCague, the son of the member for Dufferin-Simcoe. He is in Korea because we see that as a very dynamic economy in the world and we can have great potential there. We are also doing major things in China.

I am pleased to tell members we recorded a rare status on our trip to the Far East when we were accorded official status by all three countries we were in. We saw the Prime Ministers of those countries. That is a rare privilege accorded to a province. It regularly happens to heads of state, obviously something I am not. I think it shows the measure of respect in which this province is held. It lauds the great importance we have economically and our relative size in the Confederation.

**17:00**

We are told we had some of the most successful investment seminars and most successful events with senior ministers ever held in Tokyo. Everyone is included in that. I am told by the business people who were with us, who are probably more objective judges than us, that it was one of the more successful trade missions they had ever been on. We specifically signed a number of contracts. Hundreds of millions in money is actually flowing, some of it as a direct result of that. I think it was a productive exercise.

It is no secret that this government regards the Pacific Rim and the emerging world as the areas of greatest concentration for the future. That is why we are doing what we are doing. We are pulling finite resources out of Brussels, Philadelphia, San Francisco and other places and putting them into the fastest-growing areas of the world. We are trying to develop those trading relationships to the benefit of all people in the province. We are doing well. We are also doing cultural exchanges, academic exchanges and athletic exchanges; so it is not just a straight commercial relationship.

My friend the member for Oshawa asked how we judge the worth of these offices. It is a very legitimate question. I have asked myself the very same question. We have four Ontario Houses with an upgraded status. They have more diplomatic status, whatever that means. They are not exactly diplomats—in other words, they have

to pay their parking tickets—but on the other hand they have more status in terms of access to government and things such as that.

The other ones are trade offices. I tell them, "I am in favour of all these things," but basically they are commercial operations to arrange trade back and forth, as well as investment. Our Hong Kong office, for example, is not doing as much in trade as it is in attracting investment to the province. Each has a little different complexion, depending on the country it is in and the opportunities that are there.

I am not sure I can persuade my colleague about their viability, but we can go into considerable detail about the operations, the number of contacts they have had and the number of things approved. If he is interested, I will be very happy to arrange briefings and he may or may not be persuaded. To persuade him, perhaps I will have to send him on a trip to visit them. I know he would be persuaded in that regard.

My friend raised another interesting question that has been an ongoing discussion: our involvement as a Legislature in international issues, be it Nicaragua, South Africa or whatever. I remember discussions at various times as to whether the Ombudsman should have power in that regard. I do not have a strong view on it one way or the other. It seems to me it is a question of balance, a question of judgement along the way. I am open to advice on the question. When we stand up on the question of South Africa, for example, that is entirely within our rights. The member for Scarborough West (Mr. R. F. Johnston) was very interested in the Nicaraguan situation. I talked to him about it. To the best of my ability, I will try to help if we can do something in that regard to make our presence felt.

The members can see that within the past year we have been a little more generous with respect to international relief: El Salvador, a hospital in Greece, assistance after the Mexico earthquake. That is not regularized. It tends to be ad hoc. Something comes along and we respond. The members can help me by creating better rules or more thoughtful ways to do this as to who qualifies or who does not qualify. As a compassionate have province, we can try to respond as best we can.

I am open to a debate on the matter of how members can be more involved. A number of us have private passions and private interests in this regard. It is like speaking out on the arms race. One can say it is not our concern and we should not do it here. Others will say that as part of



humanity we all have a responsibility to stand up, particularly those of us who have a soapbox, that people have to listen to us; at least some do. We can stand up and put forward our voice for things we care about. When one throws a stone in the ocean, who knows where the ripples will finally end up? That does not absolve us of our moral responsibility in that regard. I am not at all uncomfortable with that. As the member suggested, if he wants to help me put more flesh on that, I will be very happy.

I ask my colleagues whether there are any issues, anything they would like to discuss in more detail or things they feel I have not responded to adequately. I will be happy to discuss more.

**Mr. Guindon:** Paris.

**Hon. Mr. Peterson:** Paris? The member is quite right. Adrienne Clarkson has resigned; she is leaving, I believe, on March 1. No one else has been appointed in that regard, but we are going to maintain that as an Ontario House, not just as a trade operation. It is really in honour of the francophones in Ontario and our special relationship with France in that regard.

By the way, Brussels was neither here nor there, as the member knows. Brussels has been opened once, closed once and opened again, only in response to a federal government request to balance out the Quebec presence. The member is aware, I believe, that it did not do a hell of a lot one way or the other, and the reason we closed it down was that it was not doing very much. The politics in this country have changed. I am not saying it was not reasonable at the time; it may well have been. However, that was an international diplomatic matter with the European Community sitting there. We do not have in this country today, to the best of my knowledge, some of those regional tensions. There is a very different political situation in Quebec. We have constructive relationships between our two provinces in which we are struggling to find the things we have in common, not the things that divide us.

There are various ways to characterize relationships. You can find the things you have in common, or you can find the differences and shout at each another. That is what question period seems to be. Members will find the most minute thing they do not have in common, and the opposition will jump up and shout and will accentuate the difference. When I am dealing with the federal government, I try to minimize the differences. When I am dealing with Alberta or Quebec, I try to minimize the differences. It is not that there are no differences—there always

will be—but it is the atmosphere in which we work them out that matters.

Something for which I take some pride is the fact that this country is working in a gentler way now than it was two or three years ago. That is for a lot of political reasons. There have been a lot of changes: changes in Quebec, changes in other places. There is an interest in Quebec now because it is perceived that there is a more tolerant attitude in Ontario about language rights. When we had that historic debate in this House on Bill 8, I was proud that all members of the House supported that bill. That would not have been the case two, three or four years ago. Those of us who have been here know that.

People outside our province look at those signals and at the kinds of things we care about. The fact that we all endorsed that unanimously, together, was a statement about a new coming of age of Ontario, at least in my view. It was viewed by the analysts in Quebec as a *détente*, if I can put it in that way. Our leadership in that regard—and I am sure my friend the member for Cornwall, who will have a deep personal feeling for what I am talking about, will agree with me—is part of our leadership responsibility as well.

It is the same when Alberta is having problems over energy prices. What do we do? Do we sit here and gloat and say, “Isn’t that wonderful”? Do we just beat them up and look for ways to score local political points at someone else’s expense, or do we look for ways to work with them? There are no simple or easy answers, but I remember the history of federal-provincial relationships in this province.

I do not hold anyone blameless. There was a very different federal government there that was adversarial in nature and would rather fight than solve problems. But there were also a lot of other parochial interests, and it was a tougher country to govern than it is now, even though I have profound differences with the Prime Minister and I frankly disagree completely with his handling of some of the issues one can name today: international banking centres, softwood lumber and so on. It is a comedy of errors, if members want to know the truth, but we try very hard in areas where we can to work together, and I will fight to do that whether he is there or whether someone else is there.

I do not see these as partisan matters. This country is too important to think about in partisan terms. My friend from Oshawa made a very good point when he said there are a number of ways in which members can participate in issues that are not particularly partisan, and we have to get the

best wisdom and the best advice from all of them. I am open to suggestions. If members would like to pursue them more in our discussions over the next couple of days, I would be delighted.

17:10

**Mr. McFadden:** I have two or three areas I want to explore with the Premier this afternoon. First, I want to ask him one question with regard to the first vote; it relates to the minister's staff and deputy minister.

One area that has struck me as strange in Canada is that Canadians are forced to go to the US even to find compensation packages for executives of Canadian companies. Our stock market is very restrictive on disclosures as to shareholders.

I also find the statements of government ministries rather obscure as to what senior people in our government are paid. The Premier's salary and mine are well known. Can the Premier tell the House the salary range of the deputy minister of this ministry? My impression is that deputy ministers these days are being paid close to, if not more than, the Premier of Ontario. Can he give me the salary range for the deputy of this ministry?

**Hon. Mr. Peterson:** He is making \$85,000. I think he is underpaid; he is a good man.

**Mr. McFadden:** Is that \$85,100?

**Hon. Mr. Peterson:** That is \$85,000. It is no big secret. How much does the member make?

**Mr. McFadden:** I think about \$48,000 all told, something of that nature.

**Hon. Mr. Peterson:** This is public; there is no secret. Am I wrong? This is all recorded. It is all here. Does the member want to know about anyone else? It is all here.

**Mr. McFadden:** We had a problem over this in another estimates. Apparently there was an argument over whether it was—

**Hon. Mr. Peterson:** There are some ministries around here that are not as well run as this one; I will try to step into that question.

**Mr. McFadden:** If I can move on to a more substantive area—

**Hon. Mr. Peterson:** By the way, may I just say something on that? We have a very low salary range for our deputies in this government. It is a real problem and something we are looking at in the whole human resources planning area. We have been putting a lot of effort into human resources in this government; a lot of changes have come about and more are yet to come about.

Compared to the private sector, the vice-president of a university makes more than a deputy minister.

**Mr. Pope:** That is public sector, though.

**Hon. Mr. Peterson:** What? Are the universities public sector? I do not know; it may be the member's idea of the public sector. There are an awful lot of other people making a lot more. It is a real problem, particularly given the nature of the responsibility. It is one of the things we have to upgrade very substantially around here.

**Mr. McFadden:** While I agree with the Premier that perhaps these senior staff are not as well compensated as they might be in the public sector, I would also argue that members of this House are ludicrously underpaid in view of the responsibilities they have; I include the Premier and the members of the cabinet in that, when you look at their areas of responsibility. I also include the various private members.

Right now a serious problem exists throughout the Ontario government in the area of compensation. While I do not think that is an appropriate matter of debate here in terms of compensation, I do think the rates of pay overall are distorted. I would certainly argue that there should be nobody in the public service of Ontario who is paid more than the Premier of Ontario. I would also argue that there should be nobody in the public service of Ontario within a ministry who is paid more than a minister, as a matter of principle.

I would suggest as well that the private members of this House are undercompensated in view of their responsibilities. I do not want to make this a matter of debate. It follows what the Premier said and I am not disputing it.

**Hon. Mr. Peterson:** The member never had that view before. When did he change his mind on that? Is that his position now? It is funny how things change, that is all I can say.

**Mr. Chairman:** Order, the member for Eglinton has the floor.

**Mr. McFadden:** I will move on to the area of international affairs and the involvement of the ministry in that. With regard to our representation in Washington, as the Premier will know, the select committee on economic affairs recommended that Ontario establish an office in Washington.

I understand the concern the Premier has about locating an office in Washington as a result of the strong representations that I understand all the provinces are receiving from the federal government on establishing independent offices there



that could be looked upon as competitive with the federal presence.

First, can the Premier tell the House what the government is now spending on representation in Washington? I know from time to time government ministries are retaining counsel and perhaps even public affairs consultants, lobbyists or whatever. Can the minister tell the House what the government is currently spending in Washington for government departments, commissions or any other government bodies to represent Ontario's interests?

**Hon. Mr. Peterson:** I am sorry I do not have the answer. I will try to get that information for the honourable member and share it with him as quickly as I can.

How long will that take? We will have to circulate among the ministries. It is not only this ministry, obviously. For example, the Ministry of Natural Resources, the Ministry of Agriculture and Food and perhaps others have counsel there. We would have to circulate for all that information.

**Mr. McFadden:** In terms of our monitoring, what is happening in Washington? What role does the agent general's office in New York have in that area? In effect, do we have a situation where the New York office is trying to do what a Washington office would do, or are we totally relying on independent consultants, counsel and so on to monitor what is happening in Washington?

**Hon. Mr. Peterson:** We are in the throes of getting a new Agent General in New York at this time. Heretofore—the deputy will correct me if I am wrong—the agent general has not had any responsibilities in Washington. It is our view that he should have more responsibilities from a policy point of view in that regard.

One of the things we are looking at doing, if possible, is seconding one of our people into the Canadian embassy there. He would be our person with the embassy. Again, we are negotiating that. The question is whether they have to take one from each province. That would be 10 and they would have to treat all the provinces the same. Who would co-ordinate all these people? Who is the boss? You never heard a list of bureaucratic mumbo-jumbo such as we are getting on this question, but the discussions are ongoing.

I am not interested in creating a diplomatic incident, if I can avoid it. To have official accreditation, the United States government has to agree, and it does so only on advice of the Canadian government. We are still negotiating.

I would appreciate any support the member can give me. If he would personally phone Joe Clark or Brian Mulroney, very close friends of his, and say it would be a good idea to have someone in Washington, recognizing his very high status in the Conservative Party of Ontario and nationally and his national reputation, I am sure they would agree with him. If I could use his name saying he supports me in that regard, I can assure him it would be very helpful. I would like to go with a common view on this issue. We are still working on it. Did I answer the member's question?

**Mr. McFadden:** More or less. I appreciate the minister's endorsement and kudos as to my roles in various areas, which probably overstate the case.

**Mr. Foulds:** It is the kiss of death. The member just lost Eglinton on the strength of that endorsement; maybe even the nomination.

**Mr. McFadden:** Yes. Will the minister clarify for me the current position of the Ontario government with regard to the trade talks that are going on in Washington? I know they are evolving. There are ongoing discussions and information exchanges between governments and so on.

One of the things I would comment on relates to something the member for Oshawa was saying. He has spoken to senators and congressmen and has never met a soul there who supported any type of trade agreement with Canada.

As a member of the select committee on economic affairs, I have met a number of congressmen and senators on two different occasions in Washington. I was also a member of a Commonwealth Parliamentary Association delegation that was there in September and I met with a number of senators and congressmen, including senators who were identified as protectionist. Every one of them I spoke to welcomed a trade agreement with Canada and hoped it would be achieved.

They had concerns about the specifics of it, but I was struck by the fact that even the most protectionist senators and congressmen had a very strong, positive view of Canada and were anxious that our relations with the United States did not deteriorate.

I do not know to whom the member for Oshawa has been speaking, but in the context of the meetings I have had there on trade policy on three different occasions with all-party groups and people from across Canada, that was not the reading I received.



17:20

With regard to Ontario's position on trade talks with Canada, can the Premier clarify for me whether the government of Ontario is supportive of a trade agreement being worked out with the US that would open up markets for Canadian providers of goods and services or whether the government's position is effectively one of simply negotiating under the General Agreement on Tariffs and Trade and hoping these trade talks do not succeed?

**Hon. Mr. Peterson:** I have been there, as has my honourable friend. I am sure he is not a naïve fellow; he would not take this at face value. I talked to many senators and administration people and they all said, "We are all for free trade; we all love you guys," even though they had just walked out of the House after passing a protectionist bill against us.

I am sure my honourable friend can distinguish between rhetoric, friendly vibrations and substance. I am sure he has made a study of the situation. We have, and we know what the situation is in the US in that regard. They all tell us they love us. Why would they not? We tell them we love them. Once one gets past the friendly patter, one has to distinguish who really wants to do what to whom.

Even the senator from Montana, Max Baucus, was up here last week saying he was all in favour of a trade agreement. He voted against the fast-track process. He is the one who has hit the softwood. Sam Gibbons, with whom I have met, who brought in the famous Gibbons bill, walked into the room and said, "Boys, I am a free-trader." I said, "If he is a free-trader, I am a monkey." He just brought in the widest bill ever seen in the history of the Congress up to about a year ago. I am sure my honourable friend can distinguish fact from fiction and substance from rhetoric.

We are watching this thing very carefully, particularly in the wake of the elections in the US. We are expecting some sort of omnibus trade bill. We do not know what that will involve. However, that is not the question the member asked. The question was, what is our position on free trade? The member asks whether I am in favour of it.

The question is, am I in favour of what? I am all in favour of any agreement that gives us better access into the US so that we can sell more goods. I would sign anything to do that.

Am I in favour of giving away the auto pact? No. Am I in favour of giving away an independent policy on exchange rates? No. Am I

in favour of giving away our cultural sovereignty? The answer is no. Am I in favour of giving away our ability to create independent resource policy, i.e. softwood pricing or stumpage? No.

At some point we have to get off the clichés of a free trade agreement, whatever that means, or freer trade or liberalized trade, whatever that means. If the member tells me what it means, I will tell him whether I am in favour or not. That is about the level of the debate in this country at some levels. When we get into the substance of it, what are we in favour of? I want to sell more there, but am I prepared to give up our appliance industry? No. Am I prepared to give up our automotive industry? The answer is no.

That is why I say to my honourable friend I think the government of Ontario has been well prepared on this issue, has been watching it extremely carefully and has forced a level of substance into this debate that would not have been there otherwise. It was being held largely on a theoretical, theological level.

I am not an ideologue. I do not see it one way or the other. I do not make great speeches against it or great speeches for it. I make speeches for Canada and for protecting the things I think are important to us.

We are watching it very closely and we will see what comes up. If the Americans have some dispute-solving mechanism that will make our lives simpler, fine. However, if they want all this from us and do not get rid of countervail, what is the member's opinion of that? What if they do not get rid of their dumping? What is the member's opinion of that? Is he prepared to sign a free trade agreement and still let them come after our softwood with countervail?

My friend's question does not lend itself to a yes-or-no answer; it lends itself to a far higher degree of analysis than is attributed to it in this House or in other discussions. That is why this government has devoted an enormous amount of attention to this issue; it is so important to us.

I have personally been involved, as has staff of the Ministry of Industry, Trade and Technology, the Ministry of Intergovernmental Affairs and a variety of others. There is a planeload of people going down to Washington this Friday to talk to the embassy about the trade disputes going on in steel and to get the current update on softwood and a number of other issues. I am going to Washington, probably in January.

Some people think that if we can get a free trade agreement, we will solve all these problems, but they have to prove that to me. I can tell them to listen to the noises. I can show them

things Clayton Yeutter, Bill Merkin and others who do not have that view have said.

At this point, nobody knows what they are talking about. What is the member's position? I have heard about six different positions out of his party. Is his party in favour of it? I do not know what its position is. Is it for or against sectoral free trade? Are the members of his party all in favour of Brian Mulroney or all against Brian Mulroney? Are they changing their minds on it? I can dredge up the quotes if the member wants to hear them.

This government has been vigilant in watching the situation. For some time, we have been pushing for a competitive national strategy. We are making major investments in education and technology and are widening our markets. We cannot be dependent on just one market. I do not deny for a minute the importance of the US market; 95 per cent of our exports go there. It is the largest trading relationship in the world and will continue to be, but we need alternatives as well. We are working on them as a government.

I am willing to discuss this more if my honourable friend would like to. It is one of my favourite subjects.

**Mr. McFadden:** As the Premier has mentioned, this is a complex matter. As far as my position or the party's position is concerned, I would say the report of the select committee on economic affairs covered the topic well. That report was agreed to by both the Liberal and Conservative members of the committee. Therefore, I assume the committee report quite fairly reflects the view of the Liberal Party and our party on it; otherwise, we would not have voted on that. That is to start with.

**Hon. Mr. Peterson:** I have heard the Leader of the Opposition (Mr. Grossman) say he is not in favour of it; he is in favour of sectoral free trade.

**Mr. McFadden:** No, that is not what he said, in fairness.

**Hon. Mr. Peterson:** I can show the member the press quotes. I can show where he jumped up and embraced Brian Mulroney and said, "Poor Peterson wants to put a protectionist wall across the country." If the member tells me that is the view of his party, I accept that.

**Mr. Martel:** Who wants consistency anyway?

**Mr. McFadden:** In parliamentary language I know I cannot say the Premier is misleading, so I will say he is economical with the truth on that matter, referring to what our leader said.

**Mr. Martel:** You borrowed my line.

**Mr. Mancini:** You cannot say that either.

**Mr. Chairman:** Will you please withdraw that?

**Mr. McFadden:** I would say that is not an accurate reflection of the view of my party leader.

**Mr. Foulds:** Nobody knows the view of your party leader on anything.

**Mr. McFadden:** Mr. Chairman, I would ask that we keep the yapping down from the members in the New Democratic Party. They can have their chance in a little while.

**Mr. Pope:** That is their contribution.

**Mr. McFadden:** I know that is their contribution.

**Mr. Chairman:** Order. Please let the member who has the floor be heard.

**Mr. McFadden:** With regard to the trade talks, the Premier has made the point that they are complicated. He does not know what they are about and what is going to come of them. Our position has been definite. The Premier mentioned all the various areas we do not want to give up on. I do not know of any party in this House that is going to give up on cultural sovereignty. No one is proposing to give up on the auto pact, compromise it or destroy it. To suggest we are in favour of any of those points is strictly a straw man.

Basically, we have said that in our relationship with the US today we have some major areas where free trade now exists; softwood lumber is one and general lumber is another. We have had that for decades. Effectively, there has been a free flow of goods in those areas. We have had a free flow of goods in terms of duty-free access for various products.

**Hon. Mr. Peterson:** So you like what is happening in the softwood deal.

**Mr. McFadden:** As the Premier well knows, the intervention of countervail and this current action are actually a retrograde step. We are moving away from free trade in that product into a protectionist regime. That is causing us to lose jobs in Ontario.

If the various countervail actions now in existence or the various trade restriction bills now in Congress go ahead, can the Premier give the House figures on how many jobs will be lost in Ontario? How many jobs will be lost if the trade acts, as proposed, go through Congress? Does the Premier have those figures? Does he have figures on the job loss we could suffer if the current countervail actions were to go ahead?



Does the government have any figures on the job loss that could be occasioned in this province?

17:30

**Hon. Mr. Peterson:** There are hundreds of bills. If the honourable member will tell me which ones he is talking about, I can perhaps respond.

**Mr. McFadden:** The Premier will know that last year Congress passed an omnibus trade bill that affected the whole range of American trading relations with countries around the world. That was passed. It is now in conference and so on between the Senate and the House. It has not gone yet to the President. It is a bill that is probably about an inch thick. I assume the Minister of Industry, Trade and Technology and the Minister of Intergovernmental Affairs are aware of that trade act. I assume there surely has been some review of the effect this trade act would have on Ontario jobs.

The omnibus bill has been before Congress now for about six months. When I was there in September, I received a copy of the bill. Can the Premier provide the House any information on the job loss that could be incurred if just the omnibus trade act were to pass?

**Hon. Mr. Peterson:** That is not the bill that one is going to have to contend with. There are something like 300 of them, or there were. I gather a number of them died on the order paper and others will be coming up. The question is which one will gain momentum, particularly in the new round of people there. We are looking for realistic possibilities and trying to fight those appropriately, but I do not think my honourable friend's question is meaningful. It is not helpful in this discussion at all.

That being said, there are several hundred layoffs as a result of the softwood issue. We do take it very seriously and we see it as an unfortunate precedent. We also see a number of other endangered areas, such as steel, uranium, petroleum, zinc and lead. Who knows what is next and what we have created?

What we believe the federal government has created is an atmosphere whereby it is prepared to roll over on these matters. That is why we should have fought it. It is tough medicine, but we should have fought it. Again, I ask for the member's help in persuading the federal government to change its view of the situation.

**Mr. Chairman:** Can we rotate a bit? This is on the same subject and you can come back again.

**Mr. Wildman:** I would like to raise some matters in regard to the same issue, the question of trade with the US. The position of our party is quite clear. We are in favour of sectoral agreements along the lines of the auto pact that would protect our trade and our markets and make it possible for us to have freer trade between our nations, not just sectoral trade agreements with the US but agreements with other nations as well.

I am concerned about the fact that, as the Premier indicated, even those members of the American Congress who have indicated that they are in favour of freer trade with Canada have made it quite clear, as has Mr. Yeutter, the negotiator for the US, there is no way that countervail would ever be removed. If they take that position, then it seems very unwise to me and to those of us in this party that we should agree to give away whatever it is necessary to give away in order to have freer trade or a free trade agreement with the US if the Americans maintain their right to continue to take countervail action when they feel any of their industries are endangered by what might be just fair competition or differences in exchange rates.

The situation we have in softwood lumber is very apropos. Our share of the US market has gone up in the past couple of years largely because of the exchange rates and the decline of the Canadian dollar in relation to the American dollar. It does not have anything to do with differences in the charges that the American industry has to pay for lumber as opposed to our stumpage fees in this country or subsidies of some sort or another. It is a difference in exchange rates and the fact that the American dollar is too high in relation to other currencies and to Canadian currency in particular. They take action against us in response to a situation that has nothing or very little to do with government charges for crown timber. We in this party are very much in favour of a disputes-resolving mechanism of some sort if it can be worked out between our two nations. With that preamble, I will ask some specific questions of the Premier.

Can the Premier indicate his understanding of the process right now in Washington with regard to softwood lumber? The American industry has made it clear that it does not agree with the proposed agreement put forward by the Canadian federal government with the support of British Columbia and some other provinces. It does not accept that 15 per cent is adequate. It is talking about 20 per cent or 25 per cent. That is very dangerous because if they win, it means the



American government will say it has the right to set Canadian, Ontario and British Columbian stumpage fees, which is complete interference with our sovereignty.

I would like to know exactly what the position of the Ontario government is. The Premier has indicated that counsel has been hired, that he has the right of access to all documents and information and that he can file written submissions. I would like to know what other actions the government of Ontario intends to take on our behalf, particularly on behalf of the industry and the jobs in northern Ontario, and what deadlines we have to meet.

With regard to the question of trade, I am very concerned about some of the moves that have been taken recently in the US by the American steel companies, with the possibility there will be action against Canadian steel. We have seen attempts in the past to require stamping of Canadian and other foreign tube and pipe, which is basically a nontariff barrier. There may be attempts to put limits on Canadian steel exports to the US. I understand the Canadian industry has indicated it is prepared to consider further voluntary limitations. However, the share of the American market by Canadian steel companies has continued to rise and this is going to raise serious questions in the US. The softwood process has encouraged a number of protectionist moves in many areas. Obviously, in the area I come from I am concerned about steel.

I would like the Premier to answer the questions I have raised about our position and what he sees for the immediate future with regard to softwood and the countervail action, and what he understands about the situation of the steel industry and steel imports. What, if anything, does this government intend to do to try to avert a similar situation with steel?

**Hon. Mr. Peterson:** The honourable member makes a number of very thoughtful points. One of the problems is that the whole question of subsidies is very much in the eye of the beholder. In 1983, a stumpage policy was not seen to be a subsidy; today it is.

What happens if exchange rates, which the member talked about, are seen to be a subsidy in the next round? What we are seeing is a politically supercharged atmosphere widening the definition of "subsidy." Clayton Yeutter and others have said they are not going to get rid of countervail or antidumping mechanisms. If there is some kind of dispute-solving mechanism as part of a trade agreement if one comes along, what will it be? How will it be apportioned? How

do we handle a lot of the other big issues too, such as adjustment on this side and over what period?

There is the question of national treatment. Do we treat each country's industry the same as any other country's industry? There is the question of regional disparity programs. I have shared with my colleagues a list of 200 or 300 acts in this province, provincial and federal, current legislation that could be deemed to provide subsidies, so it is a very subjective atmosphere.

**17:40**

With respect to the approach we would have taken on softwood, there has been a preliminary finding of subsidy. That needs a final finding of subsidy at the end of the year. It is a four-part process. One then has to go to preliminary and final determination of injury. We believe it should have been fought on that basis. We should have fought it legally and diplomatically in that time frame. Time is now awasting, because of the intervening events that I will get to in a minute.

We would have fought it through there. We would have asked for an accelerated review after January 1, which would have allowed a new application. We would have fought it in the courts and at the General Agreement on Tariffs and Trade and not given up anything. We would not have given up our rights. The other thing is that there is not just the legal precedent but the diplomatic precedent. If we get pushed around, we have to push back. It looks as though we are compromising everything. I think it was mishandled.

This has all been superseded by action of the federal government, supported principally by British Columbia but also to some extent by Alberta and Quebec. The other provinces have varying degrees of worries and are a lot more nervous today than they were a month ago. At the risk of looking backwards, I recall that a number of us in the Ontario delegation were telling them what was going to happen. They did not take our word for it at the time. There was an awful lot of pressure to come up with some heroic gesture that would save the situation. Members will recall that better than I do. I was there, and there was an immense amount of pressure in the situation.

Miss Carney told the first ministers at that meeting that she had a deal with Baldrige, a 15 per cent termination agreement. It started to become unstuck the next day and it has been unstuck ever since. I am told there have been offers and counter-offers back and forth across

the borders, carried by the deputy minister and others in the US. There is no guarantee that US industry will come on side because countervail is industry to industry, not government to government, so the interest of government is in speaking for the industry.

I am told the federal government is likely to put a formal offer in front of the US federal government tomorrow or the next day to see whether the US government can buy it and sell it to its own industry. There have already been formal offers from the US government to our government, and they have been rejected. They were twice as much as they originally anticipated, doubling up, not 15 per cent but 30 per cent.

We are in a bit of a blind alley on this matter. We are being told what is happening after the fact. We are not being asked our advice on how to negotiate. We do not have the power to do it provincially. If we had the power to do that, we could take other actions, but we do not. We are out of the play. We have hired counsel and filed in the US court with respect to the verification process; in other words, that gives us legal right to all the documents. We have already filed reams of documents, and even in the preliminary hearing, on November 15 or whenever it was, in spite of what was read in this House, Ontario was the one jurisdiction seen to have provided the information required in the US.

Ontario's stumpage was about three times what it was in British Columbia. We got caught up accidentally in that but we were not the main culprits in the whole play. To the best of my knowledge, that is where the situation is now. Miss Carney is going to negotiate this, and I cannot predict at all what will happen on this side or on that side, or whether the provinces will go for it. This export tax and how it is going to be rebated and how it is going to work—honestly, none of us knows. They do not know, and if they knew, they would tell us. Am I right? I am right. That is the best of my knowledge at the moment.

The steel industries are different, as members know. Steel is almost in a negotiated situation. The big steel companies have been reasonably good at holding their exports down on a voluntary basis. I believe the figure is 2.4 per cent of the US market. My figures may be wrong. If I am wrong, I will get back to the members on it. What they are trying to do is voluntarily to hold them, and because of the strong steel lobby led by John Heinz in the US, they figure that if they can hold the exports to, I believe, about 2.4 per cent of the US market, they will avoid retaliatory action or a major bill.

Last month and the month before, figures were up to about 4.5 per cent. Because it is not a legal situation, it appears some of the smaller steel exporters were sneaking around the rules or around the voluntary agreement that had been reached among some, and again it is not legally enforceable, and that is putting more pressure on the system. Some of the responsible leaders in the steel industry are very worried that is going to invite more retaliation, particularly in a more formal way, of some type or other.

It is one of those situations that has been in a sort of state of suspended animation, with constant negotiation up and down for the past couple of years. Because of the very strong steel lobby in the US, we are hoping it will not result in specific legislation, but again the situation is being managed day by day. There is another meeting today that I am aware of, and I hope there will be good results from that one. I cannot promise the member how the future will unfold in that regard.

**Mr. Pope:** First, with respect to the Brussels office, irrespective of the opinion of the Minister of Intergovernmental Affairs on personnel and the effectiveness of the office, it is a mistake to close it.

It was not opened just because of the Quebec presence in Brussels, in the European Community. It was opened because a number of provincial offices had been opened with respect to lumber imports into the European Community and because of the desire of both British Columbia and Quebec to explore new trade opportunities there. I specifically refer the Premier to the massive advertising campaign of the government of British Columbia, which was started in 1982 and has continued to date. It has resulted in access of British Columbia products to the European Community when it is being denied to Ontario.

The same goes with respect to the Quebec office. There was an agreement among the federal government of the day, Quebec and the industry of Quebec which provided for a three-way funding for a Quebec office in Brussels—one third federal, one third provincial and one third industry. Any objective analysis of what was going on in Brussels and the European Community was that Quebec was getting access; it was getting a favourable hearing for its products in the European Community.

In Belgium and northern France, I visited the construction programs that were using entirely prefabricated homes, products of British Colum-



bia. They were getting access and Ontario's products were not.

Ontario's products were not getting access for a variety of reasons. The only products from Ontario that were getting access were waferboard products. It was a long battle of more than two years to get waferboard products into the European market. However, lumber was not getting access because of a deliberate decision by the European Community, at the request of France, that related to a major storm in the fall of 1982 in the French timber-producing areas, which resulted in a surplus of fallen timber that had to be harvested and, therefore, a surplus of lumber in the European market.

To protect the price for the French producers, they made a conscious decision to keep some of the North American products out. That was combined with the artificial devaluation of the Swedish krona, which allowed more economic access in the European market in spite of the fact it was not quite a member of the European Community. All these factors meant that Ontario, particularly for its lumber products, was not getting access into the European market when the opportunity existed with a bit of a push.

**17:50**

**Hon. Mr. Peterson:** Then why did you close it the first time?

**Mr. Pope:** Listen, when I went there as Minister of Natural Resources it was a major trade opportunity area that we had to explore. There were contacts that were required between the Ontario government and the European Community. There were contacts that had to be made.

The member for Essex South (Mr. Mancini) can shake his head. I happen to have been there at the time. I met with the traders. I met with the people who operated the port in Antwerp. I met with the trading community in Brussels, whose members had some access to the European Community. There was the availability—and certainly the lumber producers of Ontario felt it—of a European market that was not being taken up by Ontario producers. There had to be some leadership from the Ontario government to make it happen. I believe that opportunity still exists.

A similar case can be made for the access of metals into the European Community. One of the reasons Inco has its facility in Britain is to try to get access for its company products into the European Community. That is a long-standing debate that has gone on in Europe. The dumping of metal products by the Soviets, indirectly through the Eastern European countries, had a

dramatic impact on the price of nickel, which affects Canadian producers so much, and on the price of gold and the access of gold to the European Community, which affect Ontario so much. All these issues are current issues still. There still is an opportunity there, and Brussels is the key point for economic access to the European Community.

I am saying his decision is neither right nor wrong. I am saying there are trade implications to that decision that have to be made consciously by this government. I still think there are trade opportunities that we are neglecting. I am not saying we solved all those impediments to access by Ontario companies to the market. I am not saying that at all. If we had solved those problems, we would not have needed the Brussels office.

We did have those impediments. We did have decisions being taken by the European Community for internal domestic reasons, for trade-off reasons within the European Community, for reasons of devaluation, for reasons of the need of the Soviet bloc to get currency of any kind to help its balance of trade problems. All these issues are circulating through the European Community and do have an impact on trade.

It still has potential for Ontario producers and I think it still should be pursued through every available avenue by our Minister of Intergovernmental Affairs or, if the Premier wishes now to assign that responsibility, by the Minister of Industry, Trade and Technology.

I want to talk about the lumber issue as well vis-à-vis Washington. I have to say, with the greatest of respect, the Premier does not know what happened in 1982, 1983 and 1984 on the lumber issue. I have my own notes of the meetings that took place at the time. I never said I singlehandedly rescued the situation. Let him point out one place in Hansard where I said that. Bernard Landry from Quebec never said he singlehandedly rescued the Quebec industry. Tom Waterland from British Columbia did not say he singlehandedly rescued the British Columbia industry; not at all.

We got involved for two reasons. First of all, the industry asked for our assistance. Second, we felt it would have a fundamental impact on Ontario's policies and therefore Ontario had to have a presence, because unlike the American system, there is no federal control of the resource sector. There is no great control through the interstate commerce jurisdiction at the federal level as in the US. It is an entirely different system.



One of the points we emphasized with Malcolm Baldrige, the commerce secretary, when the three provincial ministers met with him, along with the Canadian ambassador, the Canadian embassy trade officials and industry representatives, was that we had a different system in this country. Resources were, under the Constitution, the jurisdiction of the provinces; therefore, when policies from another country had an impact on resource policies, we had the right to be heard. We were there with the support of the federal government and our Canadian ambassador to tell Commerce Secretary Baldrige this was an important matter that would impact on provincial jurisdictions, on our provincial lumber industries and resource products industries. Therefore, we wanted him to know what our unanimous point of view was in Canada.

The fact of the matter was that in 1982 a group of provincial politicians went to meet the International Trade Commission staff to understand what the provincial role would be in the hearings, to understand what rights we had to appear, to get involved in the process and to understand the very complicated, quasi-judicial administrative process. We took the time to do that, to understand the issues.

The Premier, the member for Cochrane North (Mr. Fontaine), the Minister of Industry, Trade and Technology and the Minister of Natural Resources (Mr. Kerrio) did not know about those meetings in 1982. They thought I went down twice in 1983, met with Malcolm Baldrige one time and that was the end of it.

They do not know about the visits from Waddell, Landry and myself. We went down and met with Senator Cohen of Maine, who was so upset by the shakes and shingles industry in Quebec that he was cosponsoring Senator Packwood's resolutions in the Senate vis-à-vis softwood lumber. We had to talk to Senator Cohen and his staff about his problems with the impact of subsidies in Quebec on the shakes and singles industry in his home state.

There were the meetings with Packwood's staff about his problems with British Columbia, which are historical; problems for more than 30 years. There are the problems of the Pacific Northwest vis-à-vis the British Columbia producers and the meetings we had with other senators and congressman about these issues.

It was not a one- or two-shot deal. It was comprehensive work for a long time to understand the politics of the situation in Washington, to try to address the concerns other politicians would have and to appear in front of Malcolm

Baldrige, the Secretary of Commerce, in a formal recorded session to tell him that the provinces were opposed unanimously to what was happening with countervail in 1983 and to demand the right to be heard because it was a provincial matter, that the primary effect of the decision on countervail in 1983 would be on provincial policies including stumpage, crown dues and other industrial subsidies.

I understand that the Premier went down in October 1985 and had a private meeting with some trade officials for about an hour and a half on the morning he was there, but that there was no consistent, coherent approach on both the political and administrative levels in Washington. That is from all the reports we have.

There was no consistent, coherent approach by any of the provinces. Everyone assumed that it was all over, that we had won in 1983 and that there would not be a problem this time around. The fact of the matter is that the whole scene had changed, the politics had changed, and there was a need for the province to be there from the very beginning, not once the preliminary determination was being made and not on the eve of it. Ontario should have been there from the very beginning when the first application was made.

I understand Adam Zimmerman said, "We can do it alone." They spent millions of dollars. The industry fought this case directly and the province said, "Okay, we will let the industry fight it directly." That was the wrong decision. The province should have been in on it from the very beginning. It should have been exercising its political influence and it should have been supporting the industrial position.

In the events of the fall of 1986, it is not as clear cut as the Premier would want it to be that Ottawa was acting on its own and that he was not advised or informed. It is not clear at all. Carney made the original offer of eight to 10 per cent on October 1; it was reported in the October 1 newspapers in any event. That was when the original offer was made. Ontario never objected at the time. It never publicly said, "We will not go along with any proposal to settle the matter." The Premier was not quoted in the newspapers, as he often has been on trade issues over the past 18 months. He was not quoted on this issue. The Minister of Industry, Trade and Technology was not quoted. Ontario was absolutely silent for three weeks; nothing was said.

Pat Carney said she was speaking on behalf of the nation, the provinces and the industry: eight to 10 per cent and Ontario was quiet. In the meantime the Minister of Industry, Trade and

Technology was doing his studies to show that 500 to 1,000 jobs would be lost because of the eight to 10 per cent offer. That is the way it came out.

I remind the Premier that from the very opening of Parliament on October 13 we started raising our concerns about what was going to happen on the lumber issue, about the imminent preliminary determination or decision that was coming and what its impact would be. Then the announcement came of a preliminary decision. The leader of the third party has said on a number of occasions that the Minister of Natural Resources stood up and said that 15 per cent was not a bad result. In the meantime, 500 to 1,000 jobs are going to be lost even from eight to 10 per cent, and the Minister of Natural Resources says it is not a bad result.

He did not start to dissociate himself publicly from Pat Carney and the federal government until the weekend after the announcement of the preliminary determination. It was October 21 when he told the media outside the Legislature that he had been snookered by Ottawa in its original eight to 10 per cent offer. That is the only time. When the heat started to be turned on him in the Legislature by the opposition parties, all of a sudden he distanced himself. Then, having sat there for three weeks and allowed the eight to 10 per cent offer to float, he started to distance

himself and then said he was going to fight it to the end.

What happened? He ended up going to Vancouver to try to persuade the Prime Minister and the Premiers of the other provinces to adopt Ontario's new-found strategy. He was turned down cold. Not even Robert Bourassa of Quebec supported his position. He was isolated. Now we hear from this government over the past week that he is not even involved in the negotiations in Washington, nor has he had any discussions on the export tax and its implications in this province. In the meantime, workers are losing their jobs.

**Hon. Mr. O'Neil:** Yes, we are.

**Mr. Pope:** Is the minister saying he is? Now he is. He is involved in Washington now, is he?

**Hon. Mr. O'Neil:** As I have mentioned on several occasions, we have put in briefs and supplied information.

**Mr. Pope:** The minister has never said before in this House that he was involved in the negotiations with the federal government in Washington. We have just found out something brand new about the policies of this government.

**The Deputy Chairman:** Order. I draw your attention to the clock.

On motion by Hon. Mr. Peterson, the committee of supply reported progress.

The House adjourned at 6:02 p.m.

## ERRATUM

No.	Page	Column	Line	Should read:
79	4139	2	7	approximately 100 to 150, and a 10-bed

## APPENDIX

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## POLICE PURSUITS

**407. Mr. Sterling:** Would the Solicitor General provide the policies of all municipal police forces with respect to automobile chases involving police? [Tabled October 21, 1986]

See sessional paper 279.

## YOUTH EMPLOYMENT CENTRES

**489. Mr. Jackson:** Would the Minister of Skills Development provide copies of the audited financial statements for 1984-85 and 1985-86 for the following youth employment counselling centres: North Halton, Second Chance (Guelph), Action-Consultation-Emploi (Hawkesbury), Niagara Falls, Chatham, Windsor, Peanut employment program for youth, St. Catharines, Thunder Bay, Centre for Youth Counselling Leading to Employment (CYCLE Steeles) and Parachute Youth Employment Centre? [Tabled November 17, 1986]

See sessional paper 280.

**491. Mr. Jackson:** Would the Minister of Skills Development provide the dates of all meetings of the directors of youth employment counselling centres called by the ministry since July 1, 1985, the number of directors in attendance, the ministry staff taking part, the cost of each meeting and from which part of the youth opportunities budget allocation they were funded? [Tabled November 17, 1986]

**Hon. Mr. Sorbara:** Meetings of the directors of youth employment counselling centres called by my ministry for the period of July 1, 1985, to November 17, 1986, are detailed below:

YECC conference, November 18, 19 and 20, 1985: number of YECC directors in attendance, 44; ministry staff taking part: Barnartt, G., Budaci, S., Cameron, S., Campbell, P., De-Knatel, D., Eyton-Jones, L., Fairclough, C., Hampton, E., Lanford, M., Maxwell, J., Mazuryk, I., McKay, K., Paradis, J., Ross, J., Schmidt, T., Storrison, B., Watson, C., Wolfson, W. The cost of the meetings for 62 persons was \$28,948, charged to the youth employment counselling centres administration budget.

YECC conference, October 20, 1986: number of YECC directors in attendance, 57; ministry staff taking part: Barnartt, G., Cameron, S., Fillmore, D., Hampton, E., Hardy, R., Langford, M., McKay, K., Ross, J., Schmidt, T.,

Wolfson, W. The total cost of the meeting is not currently available. Once all costs have been accumulated, they will be reported. These costs will be charged to the youth employment counselling centres administration budget.

## FUTURES PROGRAM

**490. Mr. Jackson:** Would the Minister of Skills Development provide the audited financial statements for 1985-86 Futures expenditures at the following community colleges: Sheridan, Mohawk, Niagara, Conestoga, St. Clair, Sir Sandford Fleming, Algonquin, Sault, Cambrian, Seneca, Humber and Centennial? [Tabled November 17, 1986]

**Hon. Mr. Sorbara:** The audited financial statements for the 1985-86 Futures program at the colleges listed below are expected prior to March 31, 1987.

Sheridan College of Applied Arts and Technology, Mohawk College of Applied Arts and Technology, Niagara College of Applied Arts and Technology, Conestoga College of Applied Arts and Technology, St. Clair College of Applied Arts and Technology, Sir Sandford Fleming College of Applied Arts and Technology, Algonquin College of Applied Arts and Technology, Sault College of Applied Arts and Technology, Cambrian College of Applied Arts and Technology, Seneca College of Applied Arts and Technology, Humber College of Applied Arts and Technology, Centennial College of Applied Arts and Technology.

**492. Mr. Jackson:** Would the Minister of Skills Development provide the names of each organization that is not either a youth employment counselling centre or a community college that has received direct Futures funding, the amount of that funding and the purpose for it? [Tabled November 17, 1986]

**Hon. Mr. Sorbara:** No organizations other than Ontario's colleges of applied arts and technology, those organizations supported under the youth employment counselling centres program and the youth employment counselling service in small communities program and Ontario ministries have directly received Futures funding from my ministry.

## HELP CENTRES

**493. Mr. Jackson:** Would the Minister of Skills Development provide the dates of all



meetings of the directors of unemployment older workers' help centres called by the ministry since July 1, 1985, the number of directors in attendance, the ministry staff who took part, the cost of each meeting and from which part of the ministry budget they were funded? [Tabled November 17, 1986]

**Hon. Mr. Sorbara:** No meetings of the directors of help centres have been called by my ministry for the period of July 1, 1985, to November 17, 1986.

#### LANDFILL SITE

**498. Mr. Hayes:** Would the Minister of the Environment table the complete results of testing done on test wells at the Essex landfill site in Maidstone township, including volatile organic compounds that have been found in these wells? [Tabled November 20, 1986]

See sessional paper 281.

#### PRICE OF RED VEAL

**500. Mr. Stevenson:** Would the Minister of Agriculture and Food provide graphs of the average monthly price for each month of each year for red veal for slaughter steers, specifically, one graph showing both commodities for each of the past 10 years and one graph showing the average for the 10-year period? [Tabled November 20, 1986]

See sessional paper 285.

#### BIODEGRADABLE PLASTIC

**504. Mr. Treleaven:** Would the Minister of Environment provide information on the action the ministry has taken with respect to a project involving the development of biodegradable garbage bags made in part from cornstarch? Include details regarding any funding or support that has been provided or approved by the ministry. [Tabled November 20, 1986]

**Hon. Mr. Bradley:** The Ministry of the Environment has been approached by an Ontario-based company concerning its intention to produce a biodegradable plastic suitable for manufacturing supermarket and garbage bags.

From discussions with the company, it is the ministry's understanding that the suggested product would be a conventional plastic containing a small amount of cornstarch. The material biodegrades as a result of the gradual disintegration of the cornstarch in the natural environment, leaving the original plastic in small pieces.

The main difficulty associated with plastics in the waste stream is the question of their long-term environmental effects. Since the pres-

ent initiative would fragment the plastic but not destroy it, there is some doubt on the ministry's part about the extent to which the product would provide environmental benefits.

The ministry considers the idea to be of interest if there is a possibility of incorporating biodegradation of the plastic component into the process design. Discussions with the company are continuing on this basis, and no ministry funding has been considered to date.

#### NOISE BARRIERS

**505. Mrs. Marland:** Would the Minister of Transportation and Communications advise what is the noise level at sound barrier site QEW 24? When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 24 have relative to all other approved sites in Ontario? When will site QEW 24 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 24 is east of Erin Mills Parkway and on the south side of the highway. The noise level at this site is 70.6 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a low cost-benefit ratio and low attenuation potential, this site has a low priority. Construction of a noise barrier at this site is planned in conjunction with the resurfacing of the highway in that area, which is currently scheduled in the latter part of our five-year capital construction program.

**506. Mrs. Marland:** Would the Minister of Transportation and Communications advise what is the noise level at sound barrier site QEW 25? When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 25 have relative to all other approved sites in Ontario? When will site QEW 25 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 25 is east of Erin Mills Parkway and on the north side of the highway. The noise level at this site is 70.6 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a low cost-benefit ratio and low attenuation potential, this site has a low priority. Construction of a noise barrier at this site is planned in conjunction with the resurfacing of the highway in that area, which is currently scheduled in the latter part of our five-year capital construction program.

**507. Mrs. Marland:** Would the Minister of Transportation and Communications advise what

is the noise level at sound barrier site QEW 26? When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 26 have relative to all other approved sites in Ontario? When will site QEW 26 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 26 is west of Highway 10 on the south side. The noise level at this site is 68.7 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a low cost-benefit ratio and medium attenuation potential, this site has a low priority. Construction of a noise barrier at this site has not been scheduled at this time.

**508. Mrs. Marland:** Would the Minister of Transportation and Communications advise what is the noise level at sound barrier site QEW 27? When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 27 have relative to all other approved sites in Ontario? When will site QEW 27 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 27 is west of Highway 10 on the north side. The noise level at this site is 68.7 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a low cost-benefit ratio and medium attenuation potential, this site has a low priority. Construction of a noise barrier at this site has not been scheduled at this time.

**509. Mrs. Marland:** Would the Minister of Transportation and Communications advise what is the noise level at sound barrier site QEW 28? When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 28 have, relative to all other approved sites in Ontario? When will site QEW 28 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 28 is west of Cawthra Road on the north side of the highway. The noise level at this site is 70.5 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a high cost-benefit ratio and high attenuation potential, this site has a high priority. Construction of a noise barrier at this site has not been scheduled at this time pending the construction of the barrier on the opposite side (site QEW 29) of the highway.

**510. Mrs. Marland:** Would the Minister of Transportation and Communications advise what is the noise level at sound barrier site QEW 29?

When was this site first approved as a candidate site for a noise barrier? What construction priority does site QEW 29 have relative to all other approved sites in Ontario? When will site QEW 29 be tendered for construction? [Tabled November 24, 1986]

**Hon. Mr. Fulton:** Site QEW 29 is west of Cawthra Road on the south side of the highway. The noise level at this site is 69.5 dB(A). This site was approved as a candidate site for a noise barrier in 1977.

Due to a high cost-benefit ratio and high attenuation potential, this site has a high priority. Tenders for this work are scheduled to be called late in 1987.

#### INTERIM ANSWERS

**494. Mr. Jackson:** Hon. Mr. Sorbara—An answer is being prepared and will be available on or about Friday, December 12, 1986.

**501 and 502. Mr. Stevenson:** Hon. Mr. Riddell—Additional time is required to respond to the questions. Final answers will be available for tabling on or about December 17, 1986.

**503. Mr. Treleaven:** Hon. Mr. Riddell—Additional time is required to respond to the question. A final answer will be available for tabling on or about December 17, 1986.

**511. Mr. Allen:** Hon. Mr. Conway—Additional time is required to answer the question. An answer will be forthcoming on or before January 14, 1987.

**512. Mr. Runciman:** Hon. Mr. Conway—Additional time is required to answer the question. An answer will be forthcoming on or before January 14, 1987.

**514. Mr. McClellan:** Hon. Mr. Kwinter—Additional time is required to respond to the question. A final answer will be available for tabling on or about December 16, 1986.

#### REVISED INTERIM ANSWERS

**210. Mr. Shymko:** Hon. Mr. Peterson—Additional time is required to respond to the question. A final answer will be available for tabling on or about January 21, 1987.

**289. Mr. McLean:** Hon. Mr. Peterson—Additional time is required to respond to the question. A final answer will be available for tabling on or about January 21, 1987.

**411. Mr. McCague:** Hon. Mr. Nixon—Additional time is required to respond to the question. A final answer will be available for tabling on or about January 21, 1987.

**454. Mr. Sterling:** Hon. Mr. Elston—Additional time is required to respond to the question. A final answer will be available for tabling on or about January 15, 1987.

## RESPONSES TO PETITIONS

### VEGETATION ON RIGHTS OF WAY

Sessional paper 233, re vegetation on rights of way of the Ministry of Transportation and Communications.

**Hon. Mr. Fulton:** The ministry's experience has indicated that the use of mechanical cutters or manual labour for the removal of woody vegetation is a comparatively short-term measure. Deciduous brush begins to regrow shortly after cutting and with more stems than before. The same holds true for the mowing of most noxious weeds; they simply flower and produce seed at a lower height. The above mechanical operations are costlier and must be carried out on a more frequent cycle. Chemical control on the other hand is longer-lasting and more cost-effective, which is a serious consideration given today's constraint on funds.

The Ministry of Transportation and Communication uses only herbicides which have been registered and approved for use by the federal Department of Agriculture following many years of testing and evaluation. These same herbicides have also obtained the approval of the Department of National Health and Welfare and Environment Canada. In addition, the herbicides used in Ontario must be reviewed and classified by the Ontario Pesticides Advisory Committee before we consider their implementation in the ministry's herbicide spray program.

Based on these facts and before any herbicide is given approval for use, many years of research, review and evaluation by various agencies are carried out to ensure the materials do not pose a hazard to people or the environment. All the information, both scientific and technical, indicates that the spraying of herbicides at the recommended rates by approved methods is not harmful to birds, animals and people.

The Ministry of Transportation and Communications has previously reviewed the use of warning signs to indicate areas which have recently been sprayed. The review included discussions with the Pesticides Advisory Committee and the Ministry of the Environment. As the herbicides we use are considered safe for their registered use by the above agencies, they do not require public notification. The federal regulatory agencies also do not require public notification as a condition of use of the various herbicides. As such, the ministry cannot justify signing the right of way.

Since the herbicide spray operation carried out by MTC covers extensive areas of right of way across the province each season, it is the ministry's opinion that the logistics of signing each area would be extremely difficult, impractical and costly to implement. Accordingly, the ministry's policy has been and remains that signing of sprayed areas is not necessary.

### INTERIM RESPONSE

Sessional paper 210. Hon. Mr. Kwinter—Additional time is required to respond to the petition presented to the House. A final response will be available December 18, 1986.



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Grandmaître, Hon. B. C., Minister of Municipal Affairs (Ottawa East L)  
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Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
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Martel, E. W. (Sudbury East NDP)  
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McGuigan, J. F. (Kent-Elgin L)  
McLean, A. K. (Simcoe East PC)  
Morin, G. E., Deputy Chairman of the Committees of the Whole House and Acting Speaker (Carleton East L)  
Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
O'Neil, Hon. H. P., Minister of Industry, Trade and Technology (Quinte L)  
Partington, P. (Brock PC)  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 33rd Parliament**  
Tuesday, December 16, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 16, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### TEACHERS' PENSIONS

**Mr. Gordon:** I would like to address my statement to the Treasurer (Mr. Nixon) and the Minister of Education (Mr. Conway) and ask them to intercede on behalf of technical teachers in this province, who have found that because of the new Ontario Schools, Intermediate and Senior Divisions curriculum guidelines in the high schools and falling enrolment, their jobs are in jeopardy. They are finding it more and more difficult to carry on.

Many of these teachers have sufficient years in the teaching profession that they would like to take the opportunity of the new three-year window of opportunity to retire. Unfortunately, the years they spent acquiring their experience as tradespersons before entering teaching are not counted as pensionable years because they do not belong to a registered retirement savings fund.

We understand that a change to the Income Tax Act would be very helpful in this regard, and I ask both the Treasurer and the Minister of Education to intercede on behalf of these technical teachers. They could not have made the contribution they have made to education in Ontario without that former trade experience. I think we would be serving well people who have served us, our children and the educational system of this province well if we were to intercede on their behalf.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** The Ministry of Labour's inspectors complained early last year about their lack of training. They presented their concerns to the Minister of Labour (Mr. Wrye) in May, which prompted the minister to hire McKenzie and Laskin to review the ongoing workings at 400 University Avenue; but before the report has even been released the Ministry of Labour is moving forward with training for the inspectors, which was what led to the original complaint anyway.

The tenders to provide training have been accepted by the ministry. Training will be done by the community colleges, using the Industrial Accident Prevention Association—can members imagine, with its wonderful track record in occupational health and safety?—and the Workers' Compensation Board, which will do a major part of the retraining.

It is interesting that the training is just a piecemeal, Band-Aid solution. Why did the Ministry of Labour not wait until Laskin had concluded the inquiry and reported some time this week? Why did it not consult the union involved? No dice; in fact, the Ministry of Labour, with its in-house training program, has taken the same individuals who have been trying to train the workers before. The two people training the inspectors now are known, by the way, as the dog-and-pony show. The Minister of Labour has continued the dog-and-pony show by simply moving it around, in the face of the Laskin investigation which will report within the next three or four days.

### FOREST MANAGEMENT

**Mr. G. I. Miller:** I am delighted to inform the House that an agreement has been reached for the management of the Backus woods. As many members know, the Backus woods near the town of Port Rowan have long been recognized as one of the best, if not the best, remaining examples of Carolinian forest in the country. Nowhere else can you see tulip trees, black gum trees and opossum.

This agreement follows policies similar to those used for provincial nature reserves in Ontario. Basically, it means the Backus woods is to be managed and protected for its natural value, especially the large Carolinian trees and the rare plant and animal species.

One of the stumbling blocks that prevented a management agreement earlier concerned the issue of cutting and salvaging trees. This new plan will allow trees to be cut only if necessary for approved management purposes or to remove damaged trees that may be a hazard along trails and roads. However, wood from such cuttings or from wind-topped trees can only be salvaged if doing so will not hurt the surrounding habitat.



I would like to note the special contribution made by the Ontario Heritage Foundation, which has agreed to establish a trust fund to provide yearly funding to the Long Point Region Conservation Authority for management and maintenance expenses for the woods. I hope other organizations will be encouraged to follow the heritage foundation's lead in this area.

#### TABLING OF INFORMATION

**Mr. McLean:** Every member knows that questions in Orders and Notices are an important tool created so that all members may obtain information rightly owed to the people of Ontario. Questions in Orders and Notices are an important exercise in democracy and are often the only means by which detailed information on various aspects of the government may be obtained by the people of Ontario.

There are currently 117 unanswered questions in Orders and Notices. Although the questions deal with a wide variety of subjects, they all have one thing in common. The answer to every question is a matter of public concern. It seems this government chooses to ignore the public's concern.

My colleague the member for Kenora (Mr. Bernier) tabled a question in December 1985 regarding government travel using government and charter aircraft. As of today, more than one year later, the people of Ontario have heard nothing. I tabled a question in May regarding government cabinet meetings in various parts of the province. Seven months later, the people of Ontario have heard nothing.

I find the arrogance of this government astonishing. With all the talk about no-walls, no-barrier government, the Premier (Mr. Peterson) and his cabinet consistently ignore the rights of the people of this province. The free hand of spending so evident in the frequent sojourns of this government does not extend to explaining and accounting to the people who foot the bill.

#### MUSEUM RENOVATION

**Mr. Morin-Strom:** I am pleased to see the provincial government has approved a \$250,000 grant to renovate the Sault Ste. Marie Museum. This is an important project for the local historical society, and it has been worked for long and hard by many in our community. After months of delay, we are finally going to see the Ministry of Citizenship and Culture come on side to fund this project.

Under the second phase of the museum restoration project, the front entrance to the

building will be restored to its original state, the second floor will be completely renovated and handicapped access will be improved. The museum will transform a downtown heritage building into a cultural centre.

While I applaud this long-awaited announcement, I must deplore the way in which it was handled. I would like to know why the Minister of Citizenship and Culture (Ms. Munro) and her staff did not even extend the courtesy of an invitation to myself, as the local elected representative who worked for this project, to be in attendance at the announcement earlier today.

Further, I would like to know the rationale that justified having the member for Cochrane North (Mr. Fontaine) make the announcement in the absence of the minister. That member does not represent Sault Ste. Marie or an adjacent area and has no role in that ministry. This is clearly blatant political opportunism of the worst kind by this Liberal government.

I sincerely hope the Liberal leadership will review its worst memories of the previous Conservative government and work towards its much-proclaimed open government, which we are not seeing today.

#### ALCOHOL AND DRUG TREATMENT CENTRES

**Mr. Callahan:** In the light of all that good news from the opposition side and all those nice statements, I would like to rise and thank the Minister of Health (Mr. Elston) and the Treasurer (Mr. Nixon) for allocating some \$21,000-plus to the region of Peel for the establishment of rehabilitation centres for alcohol and drug treatment. I would also like to thank them for the \$200,000-a-year operating fund.

All too often the members in this House seem to use members' statements time to be critical. I am sure the people in Ontario are picking up on the lack of content and substance of the members opposite when they do nothing but criticize.

#### TOURISM IN EASTERN ONTARIO

**Mr. Villeneuve:** I rise to report the further decline in the Liberal government's efforts to promote tourism in eastern Ontario. For some months, the people of Stormont, Dundas, Glengarry and Cornwall have witnessed a deterioration in the government's commitment to tourism in this area. In a continuation of this decline, we learned last week that the St. Lawrence Parkway Commission would be closing the scenic Long Sault Parkway over the winter months. In previous years and under previous governments,

this parkway was kept open year round. I say to the members of the government that it is a shame. We should be promoting tourism, not discouraging it.

13:41

## STATEMENTS BY THE MINISTRY AND RESPONSES

### NURSING HOMES LEGISLATION

**Hon. Mr. Elston:** Our government has no higher priority than to see that every nursing home resident in this province receives the care and attention he or she requires and that the quality of life for all nursing home residents is one that promotes their security and independence.

I am therefore pleased to introduce in the House today the Nursing Homes Amendment Act. The amendments reflect the views and suggestions of many interested individuals and groups following broad consultations. I am also introducing the Health Facilities Special Orders Amendment Act to ensure the provisions in both pieces of legislation are consistent in language and intent.

The Health Facilities Special Orders Act is the legislation which empowers the Minister of Health to suspend a nursing home licence and to take control and operate a home when a licence has been suspended.

The amendments to the Nursing Homes Act cover five major areas: the rights of residents, residents' councils, quality of life, nursing home ownership and financial disclosure.

The fundamental rights of residents will be enshrined in law, and nursing homes will be required to operate in such a manner that all residents are accorded the full dignity and courtesy to which they are entitled.

Paramount among these rights is the principle that a nursing home is, first and foremost, the home of its residents. In fact, this is the fundamental tenet upon which all our amendments are based.

The rights of residents will include proper shelter, food, clothing and care, the right to privacy, the right to participate fully in decisions regarding their medical care and treatment, the right to information and the right to pursue their personal interests.

At the very heart of this initiative is our unwavering commitment to ensure that nursing home residents have not only the best possible care but also the best quality of life. Nursing homes must meet not only the physical needs of

residents but also their psychological, social, cultural and spiritual needs.

A copy of the residents' rights will be posted in each nursing home, and each resident, along with his or her representative, will also be given a copy. In addition, contracts signed upon admission will be deemed to include the undertaking that the homes will be operated in accordance with these rights.

In order to give residents a stronger voice in the day-to-day management of their homes, we propose a number of amendments that will represent a significant departure from the past. We want to challenge residents to take more responsibility for their lives and we want to encourage their families and friends in the community to become more active in the affairs of the homes.

As a society, we cannot accept the warehousing of our elderly. We must create an environment that respects their independence and nurtures their involvement. Accordingly, residents' councils will be set up at every nursing home wherever at least three residents or their representatives request one.

Further, in order to provide advice to the residents' councils and safeguard residents' rights, an advisory committee will be established. The residents' council advisory committee will be made up of between three and 10 members. Up to seven members will be selected by the residents' council and up to three members will be appointed by the minister from the local community. The residents' council advisory committee will investigate complaints from residents and will work to resolve any disputes.

The committee will meet regularly with nursing home owners. It will examine the ministry inspection reports and financial statements and review the allocation of money for food, supplies and services. Further, the committee is authorized to report to the minister any concerns or recommendations it may have about the operation of a nursing home and to convey to the minister the views and opinions of the residents' council on such issues.

This legislation also authorizes the minister, with the consent of the advisory committee, to appoint an adviser who will assist the committee in carrying out its responsibilities. This residents' council adviser will report directly to the committee. The adviser will be empowered to enter a nursing home at any time to meet with a resident or a member of the residents' council. The adviser will also be able to review the records of the nursing home, including its



financial statements, when instructed by the committee to make an investigation.

These are considerable powers. For the first time, residents will be able to get meaningful financial information about their homes. Through their advisory committees, they will have established forums for reviewing complaints, meeting with nursing home owners and making recommendations to the minister.

Also for the first time, agents of the residents' councils will be given full standing as parties before the Nursing Homes Review Board. In addition, residents or their representatives may make submissions at board hearings. These measures will give residents a strong voice in matters affecting nursing home licences.

Further to enhance the role of councils as spokespersons for residents, I am pleased to announce today my ministry will provide \$50,000 in funding to the Ontario Association of Residents' Councils.

Other amendments will improve the residents' quality of life in several important ways and enable the minister to enforce the act more effectively. First, the legislation will authorize the minister to enter into a contract with a specific nursing home to provide funding for additional services where there is a proven need. For example, such necessary services may include hiring additional nursing staff or developing new programs for the care of residents with Alzheimer's disease. This arrangement will allow us to target our resources more efficiently and effectively, to ensure we receive value for every additional dollar spent and to recover or withhold funds when the level of service is inadequate. In short, there will be greater accountability.

Second, the legislation also requires anyone who believes a resident has been harmed, as a result of unlawful conduct, improper or incompetent care or neglect, to report it to the director of the ministry's nursing homes branch. Anyone reporting such incidents will be protected from reprisal. Nursing home owners will also be required to forward all written complaints concerning residents' care to the director.

Staff members from my ministry have met with the Ontario Provincial Police to discuss the issue of reporting criminal incidents in nursing homes. Both parties are now working on setting up a means of responding to such incidents in the most effective way possible. Other options are available in cases that do not involve criminal conduct; for example, prosecution under the act or revocation of a licence may follow. I want to

stress that my ministry will take appropriate action on every report it receives.

Third, our proposed legislation provides that if a resident is physically unable to appear in court to give evidence, a justice of the peace may be appointed by a provincial judge to take the evidence from the resident at the nursing home. Residents unable to attend hearings before the Nursing Homes Review Board may also give evidence in their nursing homes. In addition, the liability of a nursing home owner regarding violations of the act is clarified in these amendments. Penalties for noncompliance will be increased to maximums of \$5,000 for a first offence and \$10,000 for subsequent offences.

Changes in ownership of nursing home licences and management contracts are likely to affect the daily operations of homes and can have a direct bearing on the quality of care therein. Therefore, the proposed amendments will expand and strengthen the ministry's authority to regulate these changes. For the first time, there will be stricter reporting requirements on shareholder ownership, so that the minister will be able to determine not only officers and directors but also who has controlling interest in a nursing home.

In approving or refusing a licence, the ministry will consider the past conduct of those with controlling interest. Their honesty, integrity and competence to operate a home will be assessed. The minister's right to issue or refuse a nursing home licence on the basis of the public interest will also be expanded to take into account criteria such as concentration of ownership and the balance between profit and nonprofit ownership.

A nursing home's financial affairs and quality of care are also linked. Nursing home owners will therefore provide the ministry with annual statements of profit and loss for each home. These financial statements, indicating sources of revenue and how revenue is being spent, will be posted with the annual relicensing inspection reports for the information of residents and their families.

The regulations will prescribe financial disclosure, but clearly our intent is to provide residents with meaningful information. For example, we will require each nursing home to provide a detailed accounting of its expenditures for services and supplies.

Senior citizens living in nursing homes deserve the very best possible care and standard of living. This government will be satisfied with nothing less. I am confident these important amendments will meet our objective.



**Mr. Andrewes:** With respect to the statement of the Minister of Health, it is rather interesting that such a bold statement of facts as they exist today would require a lockup and all the excitement that went on in the intervening time, particularly since one could quite nicely read the whole report in the *Toronto Star* this morning.

The minister proposes in his amendments to the Nursing Homes Act to create residents' councils, which exist now in most nursing homes. He proposes to create a residents' council advisory committee; that is simply a transfer of the role of the Nursing Homes Residents' Complaints Committee, which the minister has abandoned. As well, the residents' council advisory committee simply becomes an executive committee of the residents' council that exists now.

Basically, we have a statement of fundamental principles in this legislation. We have what resembles a very weak bill of rights, adding to the fluff the minister has created. If there is any new accountability in this legislation it arises out of a rather greater concern, that the transfer of this accountability is now in the hands of the residents' council advisory committee. It is an abdication of the minister's responsibility for accounting to the residents of nursing homes and to their relatives.

The residents' council adviser, the quasi advocate that the minister proposes in his legislation, has no qualification spelled out. There is no independence from the government for this adviser. We have no new amendments; the amendments are defensive. We have no new program or new dollars. The minister does not address the issue of equality of residents in long-term care facilities across Ontario, whether they are in nursing homes, homes for the aged or any other institution.

**Mr. D. S. Cooke:** I want to take a couple of moments to respond to the Minister of Health. We in this party are very pleased that for the first time in many years a piece of legislation to reform the nursing homes system will be debated in the Ontario Legislature. That is a big step forward.

There are two aspects we are proud of. The original draft bill did not have a bill of rights, but thanks to the pressure that was put on by groups such as Concerned Friends of Ontario Citizens in Care Facilities and by people such as the leader of my party and other members of our caucus, this bill has a bill of rights it. We are proud that we were part of that process.

[Interruption]

**Mr. Speaker:** I remind all visitors in our galleries that they are not to participate in a demonstration in any way.

**Mr. D. S. Cooke:** We are also pleased that a section of the bill refers to financial accountability, something this party has been fighting for for many years. We will want to see that section amended so that instead of all the power being granted to the cabinet and being dealt with in regulations, those powers will be spelled out by the members of the Legislature where they should properly be spelled out.

Other aspects of the bill are incredibly weak. The advocacy procedure in this bill is an absolute disgrace and cannot be called advocacy in any way, shape or form. It will be one of the jobs of this party to make sure that is changed when the bill goes to committee for clause-by-clause. There is no movement in this legislation away from the private-profit system, which I think is at the root of the rotten care many residents receive in the nursing homes of this province, and that has to change.

I am only supposed to take a short time, so I want to finish by saying that one of the real disappointments in this bill is that so much power is granted to the minister through regulation. The fact is that in the lockup his officials could not answer any of our questions with respect to what might happen with the regulations. If the minister wants to have a thorough and fair discussion of the nursing homes bill, he should file those regulations with the committee so we can properly see what the intentions of the minister are. We do not intend just to say we are going to trust the minister. We have been burned too many times in the past and so have the residents of nursing homes in this province. We want it in law and we want to know the government's full intentions.

#### ADVOCACY SERVICES

**Hon. Mr. Scott:** I am pleased to announce today the appointment of Father Sean O'Sullivan to conduct a review of advocacy for vulnerable adults in Ontario.

The impetus for this review comes in part from a submission made last summer by an organization called Concerned Friends of Ontario Residents in Care Facilities and entitled *Advocacy Ontario*. It was a submission I encouraged the organization to prepare because of my own conviction that there is an unmet need for nonlegal advocacy for vulnerable adults living in institutional care settings and in the community.

Vulnerable adult populations include the frail elderly, the developmentally handicapped and the psychiatrically disabled.

In part, also, the impetus for this review comes from the many other organizations that agree on the need for more and better nonlegal advocacy but want careful consideration to be given to ascertaining the best method or methods for delivering advocacy services. These organizations, which also represent vulnerable adults, have put forward a variety of other models for the establishment of independent advocacy services in Ontario.

My colleagues the Minister of Health (Mr. Elston), the Minister of Community and Social Services (Mr. Sweeney), the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne), the Minister without Portfolio responsible for disabled persons (Mr. Ruprecht) and I share the conviction that vulnerable adults must be heard and that health and social services must respond to their needs.

While we agree on this basic principle, there are still many unanswered questions. It is important to ensure that whatever system of advocacy we put in place will respond to the real needs of the vulnerable adult population. Advocacy must be structured so as to be effective and meaningful. It would be a disservice to everyone to act hastily and to cobble together a solution that failed to address the real problems facing our vulnerable population.

Accordingly, I have asked Father O'Sullivan to conduct a review of independent advocacy for vulnerable adults living in institutional care settings and in the community. He will provide an independent and thorough review of the concept of advocacy and develop various options for the establishment of advocacy services. He will also consider ways in which advocacy might be co-ordinated with existing case management and other service delivery systems and with existing legal and volunteer advocates in the community. Father O'Sullivan will be supported by three advisory groups representing consumers, providers of services and affected ministries.

I have asked Father O'Sullivan to report within six months so that the government can give timely consideration to his recommendations. This review should be seen as the first step on the road to a more effective and sensitive delivery of services to vulnerable adults in Ontario.

**Mr. Andrewes:** I congratulate the Attorney General on his selection of Father O'Sullivan to review the role of advocacy. I assure him Father

O'Sullivan will have this party's co-operation in doing his work.

**Mr. R. F. Johnston:** Today, the Attorney General, or minister of all things as he has become, along with his sidekick the member for Parkdale (Mr. Ruprecht), the minister without power for the disabled, seems to have been mugged by the Minister of Health and the Minister of Community and Social Services in his incapacity to come out with what we know was his policy. I had printed for him, on page 21 of Orders and Notices, the act he wished to bring in. Instead, all he has been able to do is produce a review by Sean O'Sullivan of the basic needs for advocacy, which those other two ministers are basically stopping being brought in in Ontario.

#### OCCUPATIONAL HEALTH AND SAFETY

**Hon. Mr. Wrye:** I am pleased to report that this morning in Toronto federal and provincial ministers reached an agreement that will have positive and far-reaching implications for the occupational health and safety of Canadian workers. Specifically, ministers agreed to establish the work place hazardous materials information system, which is known as WHMIS.

What this means is that workers everywhere in Canada will soon have the right, by law, to clear, contemporary information on potentially hazardous materials in their work places. Linked to that right, manufacturers, distributors and users of the materials will be obliged to provide workers with the information they need to make informed judgements about their work places and informed decisions about the healthiest and safest ways in which to work.

As the members know, this assembly has already given first reading to Bill 101, which provides for both worker and community right to know. In other words, we in Ontario have our own machinery in motion. Today's agreement means we will be able to integrate our worker right-to-know provisions with WHMIS and be part of a national effort rather than having to proceed on our own. I think this has constructive implications for Canadian nationhood and this day therefore can be described quite properly as a historic one.

Once WHMIS is in place, here is what it will provide for workers in Ontario and throughout the country.

First, containers will have to be clearly and understandably labelled so the potential hazards of the substances in them are recognizable at a glance.



Second, producers and distributors of potentially hazardous materials will have to provide complete and comprehensive health and safety information to users. This information will come in the form of material safety data sheets. In addition to providing basic physical and chemical data, the sheets will set out potential health hazards, how to prevent them and how to take effective first aid measures should they materialize. The data sheets will also provide information on fire and explosion hazards, means of extinguishing them and special procedures.

Third, WHMIS will require employers to provide workers with the education and training they may need to apply and interpret the material safety data sheets. Should the providers of materials be concerned that detailed information may lead to a breach of a trade secret, they will be able to apply for an exemption. There will also be an appeals mechanism.

It appears WHMIS will take approximately two years to be fully operating in all parts of the country. I hope our own Bill 101 will be passed by this assembly and receive royal assent before the end of the current session so that as many requirements of WHMIS as possible may be satisfied promptly.

I remind honourable members that in addition to the core national standards for labelling, data sheets and training, the Ontario system set out in Bill 101 prescribes the creation and maintenance of substance inventories for not only the workers but also the community at large through the medical officer of health.

In the long term, the prevention of work place illness and injury is the key to ensuring worker health and safety.

Three things lie at the heart of a preventive occupational health and safety system that works: credible, understandable, pertinent and accessible information; the capacity to make effective use of that information; and an unqualified commitment by the work place parties to their individual and mutual responsibilities.

WHMIS will play a major part in getting good information to workers and helping to ensure they can make effective use of it. In that regard, today's agreement constitutes a benchmark in the fulfilment of workers' rights in Ontario and everywhere in our country.

**Mr. Gillies:** I fear Christmas must be getting awfully near, because I find myself in the position of having to offer a rare compliment to the Minister of Labour and to congratulate him and his colleagues.

**Mr. Ferraro:** Even Scrooge has changed.

**Mr. Gillies:** I might have to turn in my rat ears over this one. I want to congratulate the minister and his federal and provincial colleagues on arriving at the long-awaited WHMIS agreement. It is a very constructive step forward in the area of health and safety in the work place.

As I became aware in discussions several months ago, the minister will be aware that the federal minister was somewhat concerned at one point about the posture Ontario was taking in these discussions. My understanding through my sources is that the input of our provincial ministry into this process was for the most part constructive and probably led to a better agreement than would otherwise have been.

I congratulate all the federal-provincial ministers for arriving at this. I have waited since Bill 101 was introduced for a flood of complaints from industry about its ability to meet the regulations, and that has not happened. Let us hope it works. With the goodwill of the majority of employers and workers it can work.

**Mr. Martel:** I will not be as kind to the Minister of Labour as my friend to the right. Let me quote Bob Sass, the former Associate Deputy Minister of Labour in Saskatchewan: "Information in itself will not reduce worker risks. Information is not power, power is power, and industry has all the power under occupational health and safety."

Let me give one simple example that the Minister of Labour could have cleared up. A company in St. Catharines had a data sheet. It removed the data sheet and took that section from the data sheet which said, "This substance is possibly carcinogenic." The minister knew that and did nothing about it. With this Minister of Labour, workers do not have a chance of survival, despite the bill.

#### SHORELINE PROTECTION

**Hon. Mr. Kerrio:** Today I wish to advise the House that the province will implement a long-term program for the management of shorelines along the Great Lakes.

I am pleased today to table a report by the Shoreline Management Review Committee that recommends long-term solutions for managing the Great Lakes shoreline. The committee, chaired by the member for Kent-Elgin (Mr. McGuigan), has made fundamental recommendations in four categories: jurisdiction, prevention, protection and emergency response. We are acting on a number of these recommendations



right now, and others will be announced in the coming months.

Our first action has to be prevention. This government will be drafting a provincial policy governing shorelines immediately. We must also ensure that we have the most up-to-date mapping possible. We must be able to provide people planning shoreline development with good advice on protective works, floodproofing and effects on adjacent property. There is some mapping of hazard lands carried out under the Canada-Ontario flood damage agreement, but there must be more.

In addition, the public will have to contribute to the important decisions affecting the shoreline. At the suggestion of the committee, I will appoint a Shoreline Management Advisory Council to regularly solicit public opinion and advise the government.

Also, we must act on the issue of protection for the existing development. I have asked my staff, in conjunction with representatives from the ministries of Municipal Affairs and Treasury and Economics, to report back in three months with a comprehensive means of protecting large, vulnerable stretches of the shoreline.

We must remember that the Great Lakes are an international body of water, involving not only Ontario but also the governments of Canada and the United States. The government of Canada must be our partner in any large-scale capital works program. In fact, Ontario is anxious to consult on this problem with the federal government.

**Mr. Pope:** Good luck. You guys are batting zero in Ottawa.

**Mr. Speaker:** Order.

**Hon. Mr. Kerrio:** I have already written to the federal Minister of the Environment to request his support. In the meantime, the government will allocate an additional \$700,000 for this fiscal year to expand the technical advisory service program to shoreline property owners and for the provision of sandbags for emergency protection. We will allocate another \$1 million to the low-interest loan program. This will bring the total annual level of funding to \$4.5 million—and will stem the flow from those people in that corner.

**Mr. Warner:** What a joke.

**Mr. Swart:** Thank you, King Canute.

**Mr. Speaker:** Order.

**Mr. Brandt:** My colleague the member for Brantford (Mr. Gillies) has complimented the Minister of Labour (Mr. Wrye). I wish I could do

the same for the Minister of Natural Resources, but in all good conscience I cannot, because his so-called long-term solution to a very immediate problem is totally inadequate.

The problem is here now. The minister is well aware that the circumstance we are facing at present is historic highs in terms of water levels, not only with the Great Lakes system but also with inland waterways, as my friends have indicated, particularly my colleague the member for Rainy River (Mr. Pierce).

The amount of money the minister has allocated is virtually an insult when one recognizes the tremendous devastation and damage that is going on in this province. The increase of some \$1 million to the municipal program to assist municipalities and home owners to fight high water levels is totally inadequate.

The statements made by his benchmate and colleague the Minister of Municipal Affairs (Mr. Grandmaitre) to the effect that he has not turned down anyone who has requested assistance simply does not bear up in the light of the fact that many municipalities across this province are coming to him on a regular basis, asking for assistance, for funding that is simply not available.

The minister has to get on with the job.

**Mr. Speaker:** The member's time has expired.

**Hon. Mr. Kerrio:** We have not turned anybody down.

**Mr. Brandt:** They have so.

**Mr. Speaker:** Order. The member for Sarnia has completed his response.

**Mr. Hayes:** I would like to respond to King Canute, the Minister of Natural Resources. It appears that all the minister is doing in this report and long study is designating shoreline property as a hazardous area and doing nothing about the problems, that is dealing with the levels of the Great Lakes. He is not addressing the problem. He is still shirking his duties and continually putting the blame on the federal government. Now that he has taken his head out of the sand, he is in water over his head.

#### TABLING OF INFORMATION

**Mr. Martel:** On a point of order, Mr. Speaker: I have placed a number of questions under standing order 29(a), on May 27, June 4, June 23, November 4 and November 13. Standing order 29(a) says I am going to get an answer. It is difficult to get answers out of the swamp, so I want to make a presentation to the

guardian of the swamp. It can serve as a reminder during the Christmas holidays that he has to find a way to drain the swamp, so that answers will come to the surface.

**Mr. Speaker:** Not including the presentation, the member has a point of order. I am sure the government House leader will take note of that.

**Mr. Harris:** On the same point of order, Mr. Speaker: Briefly, we associate ourselves with the remarks of the member for Sudbury East. We would be glad to contribute out of our caucus funds to the cost of the gift and associate ourselves in any way we can.

**Mr. Speaker:** Order. That is not on the point of order.

14:13

## ORAL QUESTIONS

### NURSING HOMES

**Mr. Grossman:** I have a question for the Minister without Portfolio responsible for senior citizens' affairs.

**Mr. Foulds:** Pick on somebody your own size.

**Mr. Grossman:** Okay, the second row.

Given the rather outrageous recommendation put forward by his colleague the Minister of Community and Social Services (Mr. Sweeney) yesterday, that rather than increasing inspections in homes for the aged, that rather than tightening up procedures as recommended by the Provincial Auditor, he has instead decided to step out of that field, I wonder whether the minister can tell us whether he supports totally the recommendation by his colleague and whether he is satisfied with a situation where only six inspectors are responsible for all the homes for the aged?

**Hon. Mr. Van Horne:** I do not think it is any surprise to the Leader of the Opposition that I get along very well with my colleague the Minister of Community and Social Services. Moreover, I support the philosophy with which he is running his ministry. When the issue was raised one or two weeks back and questions were put to him, he made very clear what the philosophy of that ministry and our government is.

While we are talking about homes for the aged, we must also talk about the whole spectrum of institutional care. In the early part of 1987, I will be making a rather complete statement indicating the four main areas of work I will be undertaking at that time, including the development of a new extended care act.

**Mr. Grossman:** The last thing the seniors of this province need is a new announcement from the minister outlining four new studies he is going to undertake in January, almost two years after he came into office.

We have seen the results of one study done by his colleague. The results of that study contradict totally the white paper the minister put out in June of this year. I want to read to him from his own recommendation:

"The central initiative will be the development of new extended care legislation. The intent is to develop a single improved act which will apply to all providers and establish uniform criteria in such areas as inspection services, programming, staffing, quality of care and physical plant standards."

How does the minister reconcile that recommendation, which he made with regard to increasing and standardizing inspection, with the incredible statement made by his colleague yesterday that he is going in exactly the reverse direction and taking all that away?

**Hon. Mr. Van Horne:** I do not think that is the case at all. I have indicated we are going to change the system that was developed by that member's government of 42 years and make it a system that will address itself to the needs of the people it serves.

**Mr. Grossman:** Those grand statements, which were written for the minister a year and a half ago, have to be measured against what his colleague is prepared to do.

Let us get it straight. This afternoon the minister's colleague the Minister of Health (Mr. Elston) rose and attempted to portray an increased vigilance over nursing homes. The Minister of Community and Social Services rose yesterday and did not even try to portray increased inspection of homes for the aged; he went in the opposite direction.

**Mr. Harris:** At least he is honest.

**Mr. Grossman:** He said he was not interested in it. He thought it should not be his responsibility. He said he thought the provincial government should not inspect the homes for the aged. He said he believed the situation, in which there are no guidelines for food in those homes, no provisions to prosecute violators and no standards for inspection, is quite acceptable.

**Mr. Speaker:** Question.

**Mr. Grossman:** He is prepared to walk away from it and leave it to the homes and their boards themselves.

Seriously, how does the minister justify the complete contradiction between his two colleagues and a total contradiction between the position of his colleague the Minister of Community and Social Services and his own position?

**Hon. Mr. Van Horne:** First, I take objection to the interjection from the Progressive Conservative House leader, who said, "At least he is honest," the implication being that I am not. I object to that. I think it is a cheap shot.

Second, the Minister of Health, the Minister of Community and Social Services, the Minister of Colleges and Universities (Mr. Sorbara) and I have been working very diligently on a program, a package, for the first time ever. We did not come out with a staff paper, as the party opposite did a few years ago. We have come out with a statement of government policy, the first time any government in this dominion has done so.

Beyond that, let us take one example of something we have done that the former government talked about but did not act on. Members opposite have talked about the needs of the Alzheimer's patient in this province. In 1984, the previous government set up one poorly funded demonstration project in Ottawa and no other programs anywhere in the province. We have established 27 programs since January of this year. We are putting our action where our mouths are.

**Mr. Grossman:** If the minister wants to suggest that less than \$2 million for Alzheimer's patients is a major breakthrough, he will have to answer for it.

14:20

#### SUNDAY TRADING

**Mr. Grossman:** My next question is for the Minister of Labour, if he can try to explain the Sunday shopping circumstance. On behalf of the people of Ontario, I would like to seek some guidance from him.

On December 4, the Toronto Star reported this headline: "Store Staff Cannot Be Forced to Work Sunday, Scott Says." I know the minister wants me to ask the Attorney General (Mr. Scott), but he is going to get it.

**Mr. Speaker:** I hope so.

**Mr. Grossman:** So do we.

It goes on to quote the Attorney General as saying, "Any employee who does not care to work on Sunday and who is employed in a trade that is registered by the act is not obliged to work on Sunday." So the Attorney General said.

We called the Ministry of Labour this morning and it answered, "Swamp speaking," and said as follows, "If an employee does not accept work on Sunday, the employer has the right to terminate his or her employment with proper notice or pay in lieu of notice."

**Mr. Speaker:** Question now.

**Mr. Grossman:** Who is right, the Attorney General or the minister's staff?

**Hon. Mr. Wrye:** I think it would be more useful if the Leader of the Opposition—who has apparently discovered something that party never discovered when it was in government, that is, labour issues—would tell us the question that was asked. It is very difficult to try to guess what the question was. The Leader of the Opposition has offered to us what the response was. I would like to suggest it would be important to know the parameters of the question that prompted that response.

**Mr. Grossman:** With regard to our party in government, I can only refer to the member for Bellwoods (Mr. McClellan), whose judgement I never question, who has called this minister the worst Minister of Labour in 11 years. I rest my case.

Interjections.

**Mr. Speaker:** Order. I remind members it is not necessary to make personal comments.

**Mr. Grossman:** In order to ask the same question, so that he cannot try to duck behind that, I have in my hand a quote from the Attorney General saying: "Store staff cannot be forced to work Sunday. Any employee who does not care to work on Sunday and who is employed in a trade that is registered by the act is not obliged to work on Sunday."

Does the minister agree with the Attorney General that under the current legislation an employee cannot be obliged to work on Sunday?

**Hon. Mr. Wrye:** I think the Attorney General was commenting on the fact that under the act as it now stands the opening of those stores is illegal, workers who would be working on Sunday would be working in a store that would be open illegally and it would be important that the employers not require the employees to do so. The Attorney General has put the issue very clearly. It is important for the House and for those who are watching to remember that on Thursday this week we will hear from the Supreme Court of Canada and then we will know what situation we find ourselves in.

**Mr. Grossman:** Now we know why he asked me to ask the Attorney General instead of



himself. He is responsible for the Employment Standards Act in Ontario. It is this act that determines—

**Mr. Martel:** Tell him what it says.

**Mr. Grossman:** He will find it in the Revised Statutes of Ontario right over here.

The Employment Standards Act gives the minister the responsibility to determine what employees can be required to do and what limits should be placed on the circumstances in which they work. The Attorney General, his colleague, has said employees cannot be forced to work on Sunday. Regardless of what happens in court this Thursday, there will be stores open next Sunday, and employees want to know what their rights are.

Will the Minister of Labour give a straight answer to the employees of this province? Can employees be forced by their employers to work on Sunday? If not, what is the legal authority for him to say they cannot be forced to work?

**Hon. Mr. Wrye:** I am simply going to repeat that I think the Attorney General, in making his comments, was referring to the provisions of the Retail Business Holidays Act. He was not referring to the provisions of the Employment Standards Act.

The Attorney General has spoken quite correctly. It is important for us to see what will happen on Thursday. At that time, as a result of the Supreme Court ruling, we will see what situation exists then and employees will realize what their situation will be this Sunday.

**Mr. Rae:** I want to stress that the comments of the member for Bellwoods prompted a lot of discussion in our caucus, and it was a very close decision in terms of rating who has been the worst Minister of Labour in the past 11 years. However, the present minister still won the award.

**Mr. Speaker:** The question is?

**Mr. Rae:** I wanted to put that information before the House, Mr. Speaker.

#### NURSING HOMES LEGISLATION

**Mr. Rae:** I have a question for the Minister of Health arising from his announcement today with respect to nursing homes. In prefacing my question, I want to give credit where credit is due to the members of my party and my caucus, who for a generation have raised questions in this House with respect to the nursing homes industry that other parties did not have the courage to face up to. We take pride in the fact that some small steps have been taken in this legislation to correct

a situation that is desperately in need of reform and of change. Change has been very slow in coming.

Can the minister assure the House that any infringement of the bill of rights that is set out in the Nursing Homes Amendment Act in a new subsection 2(1a) will be considered a contravention of the act as set out in section 19? In other words, will it be enforceable?

**Hon. Mr. Elston:** I thank the honourable gentleman for his comments. With respect to responsibility for these reforms, these steps forward in dealing with nursing home residents, this party stands to be counted with regard to improving the lot of people who are living in nursing homes. I do not think the member would want to accept all the credit for that situation.

I even suspect there are people in the official opposition who likewise want to see residents in nursing homes provided with better care. That is why I think these reforms and amendments will receive wide support when they are dealt with in second reading and appear before a legislative committee.

As I said in my statement, the basis upon which these amendments are offered is that the residents are in a nursing home and these statements of principle under which the operation of the home will be carried on will be deemed to be part of contracts, if they are not included specifically in contracts signed by residents when they enter homes, and could be enforceable there.

If we find the quality or standards of care to be provided is not in existence, we can enforce them through the pull-back mechanism or in reviewing a request for further licences and other items.

**Mr. Rae:** The minister has not answered my question directly, which leads me to think the answer is no. It is extremely important.

The minister has put a section in this bill that has been played right across the province in a number of newspapers, including the Toronto Star this morning, saying he has finally been converted on the question of a bill of rights with respect to seniors. What I am trying to find out is whether there is the power to enforce. We know the minister has completely dropped the ball on advocacy, as has already been stated very eloquently this afternoon by my colleagues the member for Scarborough West (Mr. R. F. Johnston) and the member for Windsor-Riverside (Mr. D. S. Cooke).

What I am trying to determine is whether, if an inspector finds a resident has not had the opportunity to communicate in confidence, to

receive visits or to consult in private with any other person without interference, that in itself amounts to a contravention or a breaking of the act. If it does amount to a breaking of the act, how is it going to be enforced?

**14:30**

**Hon. Mr. Elston:** I indicated to the honourable gentleman how some enforcement provisions under the amendments would take place in terms of the flowing of funds and the accountability required under provision of services.

I disagree wholeheartedly with the gentleman with respect to the question of advocacy. He may have a particular position. We are looking at the advocacy position. We have provided a situation in the amendments where we are supporting the development and strengthening of residents' councils to encourage ongoing dialogue between the people who are living in those homes and the representatives of the people in those homes to ensure the complaints are dealt with in an independent fashion.

I can also tell the member that the Minister of Health continues to be extremely involved in the activities within the homes and will continue to pursue the remedies set out in the amendment act and the remedies that are still in existence under the current legislation.

**Mr. Rae:** I still have not heard an answer to my question and I have asked it twice. This can only lead me to believe the bill of rights is not enforceable, which is precisely the problem. As my colleague the member for Sudbury East (Mr. Martel) said, information in itself is not power, power is power.

Can the minister justify for this House the decision not to require the establishment of advocates for every nursing home so residents would be able to raise complaints without fear, not as a matter of his discretion but as a matter of basic right?

As the minister will know, it is fear, concern about reprisal and concern about future care that pervades the atmosphere of a great many nursing homes when it comes to complaints and infects the whole complaint process today in the nursing home system. Can the minister explain why he dropped the ball when it comes to giving power where it belongs?

**Hon. Mr. Elston:** No ball was dropped. In fact, encouragement and strengthening of the residents' councils is a fine component of recognition of the valuable work done by the residents' councils that have been established and are functioning. We are looking at establishing further councils.

We encourage the complaint procedure by providing some protections under the sections in the amendment act, as he probably has already seen but failed to indicate. These amendments will assist in accommodating those complaints. We will be providing assistance to people who have complaints by a means of providing evidence to a justice of the peace, for instance, to assist anyone who is in a nursing home and might not be able to get out to testify in front of any tribunal that he might wish to be in front of.

It seems to me we have improved considerably the lot of people in those homes. I look forward to the support of the members of the House so we can proceed with further improving the quality of care of the people who reside in nursing homes in this province.

#### DAY CARE

**Mr. Rae:** I want to go now to the Minister of Community and Social Services and take up again the question I raised with him yesterday because it is so fundamental. The events of today cast further light on what a critical juncture we are at in this province.

The minister will know that back in 1972 the nursing home system in this province was changed, a new Nursing Homes Act was introduced and funding was introduced for the first time on a universal basis to private-profit centres. He will know that since then the number of nursing home beds in the province has increased by more than 30 per cent. The number of beds in the not-for-profit sector, the nonprofit sector, has increased by a mere eight per cent when it comes to extended care. The balance between the two has been tilted totally by the decision to go to universal funding.

Armed with that kind of information, can the minister explain why the Liberal Party is so determined to move full steam ahead with funding for-profit child care centres when we know perfectly well the result is going to be the growth of chain developments, multinational developments from the United States, just as it has been in the nursing home sector? We are going to have precisely the same problems in the 1980s and 1990s with child care as we had in the 1960s, 1970s and 1980s with nursing homes.

**Hon. Mr. Sweeney:** I do not agree with the analysis of the future made by the leader of the New Democratic Party. The point I made in response to his questions on previous days was that we had an existing situation serving more than half of the supervised day care spaces in this province. There are children in those spaces



now. There are families who have chosen, for a number of reasons—in some cases because they had no other choice—to use those commercial day care spaces.

The only point we are making is that while that is the situation, it seems to us reasonable, fair and just that we should offer the same kind of economic support to those families as we do to families using the nonprofit sector. It seems unreasonable to me that we should say to families using the nonprofit sector that we are prepared to provide additional funding to keep the rates down, to keep the wages up and to provide for low-middle-income people to be able to afford the service but that we are not prepared to provide the same service and the same support to families who have chosen the commercial sector. I do not think that is fair.

**Mr. Rae:** In fairness, the minister knows full well the reason families have chosen commercial care in many cases is that they have had no choice in terms of what was being provided to them in their neighbourhoods.

Since we keep hearing the language of fiscal responsibility from the Treasurer (Mr. Nixon), and since we have limited dollars to spend, I wonder whether the minister can explain to this House why the Liberal Party, when faced with a choice between opening new nonprofit centres and financing commercial centres that already exist, chooses to channel and funnel money to profit operations rather than opening up new nonprofit centres, creating more spaces and more choices for those parents who right now do not have any choice?

**Hon. Mr. Sweeney:** In response to a similar question raised by the leader's comment from Ottawa, yesterday I believe it was, I pointed out clearly that the statement by the Premier (Mr. Peterson) and my own statements indicated the position of this government is that new initiatives will be in the nonprofit sector. We have said that clearly. I said it yesterday. I repeat it again. New initiatives will be in the nonprofit sector. That is clear.

**Mr. Rae:** Let us also be very clear. We have not heard it in the House; we had to listen to the Premier saying it in Vancouver and we had to listen to the remarks of the Attorney General (Mr. Scott), who apparently was speaking for child care on that day. The minister has also said—let him correct me if I am mistaken—that a new initiative is coming and that the initiative involves direct assistance on a per diem basis for nonprofit operations and for-profit operations.

How can the minister stand in his place and say all the new initiatives are going to be in the nonprofit sector when the major initiative on the part of the Liberal Party, the big-ticket item when it comes to expenses, is going to be a direct subsidy to profit operations in Ontario?

**Hon. Mr. Sweeney:** As part of the previous question, the member referred to scarce dollars. Again, both the Premier and I have said very clearly that because of those scarce dollars, in Ontario and elsewhere, for day care and a whole range of other social programs, I was going to Ottawa—as he had spoken to the Prime Minister—to see whether the federal government would be prepared to share with us the cost of that initiative.

I have said very clearly in the House, and I will say it again, that we had great difficulty facing that kind of initiative without traditional federal cost-sharing and that no decision would be made to move forward on those kinds of initiatives, or how we would move forward on those kinds of initiatives, until we knew clearly whether the federal government was going to share in it. When we know that, we will make our decision.

**14:40**

#### NURSING HOMES LEGISLATION

**Mr. Andrewes:** I want to go back to the Minister of Health on the amendments to the Nursing Homes Act. Section 17 deals with the appointment of a residents' council advisory committee. What statutory powers does this committee have to enforce its findings or determinations?

**Hon. Mr. Elston:** Through the amendments, the committee will have the ability to search into questions that are of interest to it regarding the carrying on of operations in the facility. It can discuss problems with the owners, and it can report directly to the minister. I have the ability to do some of the things I spoke about earlier in the provision of services before being reimbursed for money.

I can tell the honourable gentleman that I am paying very close attention to supporting those committees in their endeavours, if they ask me to, by appointing an adviser to assist them.

**Mr. Andrewes:** The minister has given this committee the right to gather information and the power to report to the minister. He has given it less power than his own inspectors have now. What he has really done is to give them responsibility without any power to enforce that responsibility. If a nursing home owner simply says, "No, I will not do what the residents'



council advisory committee says to do," how is the minister going to enforce that?

**Hon. Mr. Elston:** The opening remarks by the gentleman in reply to my statement was an indication that I had given my responsibilities away to the residents' council. I can tell him the minister remains responsible for the enforcement of this act; I will continue to do that and monitor it in a manner that is appropriate from the information that is made available to me.

It is very interesting that the gentleman who is the leader of the new Progressive Conservative Party laughs about people's responsibilities. When he had an opportunity to move in this area, there was no particular movement with respect to the nursing home sector. I cannot understand why that gentleman keeps remarking that more should be done when he had such a long time to deal with this problem. The honourable member did not do the things that were required to ensure that people of this province have fine opportunities to enjoy life in a manner to which they should be accustomed.

These amendments will help us deal with the quality of care issues, and I am pleased the people in the third party are willing and hoping to assist us in discussing this issue in the House, as it should be. I look forward to the constructive input of the honourable members, which I hope we will receive in committee. The former minister might want to tell us why he did not do anything during his tenure.

### HOUSING POLICY

**Mr. Reville:** I want to say "Happy birthday" to the Minister of Housing. I will bet he does not have a briefing note on that.

The Minister of Housing was going to come to grips with the housing crisis on December 16, 1985. How did he do? There are more people in hostels, more people on the streets, more people on waiting lists, more disappointed prospective home buyers and fewer vacancies in rental accommodation.

Now that the Assured Housing for Ontario policy has been exposed as empty words, what is the minister going to call next year's housing policy?

**Hon. Mr. Curling:** I thank the honourable member for recognizing a year of achievement.

I think the member is saying that in 1985, when the previous government set out assisted housing, only 7,195 of those were approved. In 1986, this government approved more than 15,000 units, and that does not include the 3,000

we have to put forward again to arrest the decay in affordable rental units.

My honourable friend is quite right. It is a very sad case that we have taken up in this province, but we are coming to grips with it, as he will see. He was very much an active part of Bill 51, which has made those units even more affordable to those tenants.

**Mr. Reville:** Speaking of affordability and achievements, I have a document called About Rent Review. It has the minister's name on it and it is lovely, well printed, with a lot of words in it. It took about a year for Bill 51 to come to fruition with the support of my colleagues to the right. However, what the instructions say is that in about 60 days the tenants of Ontario can call up and find out what is going on. What kind of government would say you cannot find out what is going on but in the meantime have a happy holiday season? What kind of government would produce jokes like that?

**Mr. Speaker:** That is not very supplementary.

**Hon. Mr. Curling:** It is the type of government that brought in a bill that was approved. We are sending out literature to explain the bill. It is the type of government that has set up a program to explain the bill in 13 languages, not including English or French. It is the type of government that is open and accessible and brings a less controversial and adversarial situation to the rent review process. It is the type of government that has builders and tenants co-operating.

### ADVOCACY SERVICES

**Mr. Grossman:** I have a question of the Minister of Health. Can he tell the House specifically why he has chosen to reject, at least for the time being, patient advocates for the nursing homes? Was it the cost of putting in that program? Was it the fact that he believes residents do not need the protection of a patient advocate? Why did he reject that option?

**Hon. Mr. Elston:** The honourable gentleman's comment is not appropriate in either situation. He knows we are studying the psychiatric hospital patient advocacy program now, under the guidance of Professor Allan Manson. We are reviewing the benefits and strengths of that system. In conjunction with the Attorney General (Mr. Scott), we are looking at a system across Ontario. It seems to me a thorough analysis of that program is very helpful when we attempt to initiate or introduce new procedures into the province.

**Mr. Grossman:** If the minister's answer is that the Attorney General of studies wants to

have a study instead of moving in the area, we understand.

In 1983, the Ministry of Health chose to implement the patient advocacy program in its own psychiatric institutions without having the benefit of a study, without finding an excuse to delay because it needed Father O'Sullivan or anyone else to study the program. At some stage a politician has to have the courage to step forward and say, "Yes, I would like the benefit of further study," but the patient advocacy program has been in place for three years. A study would be nice to have, but it is better to have immediate protection for the residents of nursing homes and then see how the program works and adjust it if necessary.

Why has the minister chosen the route of the Minister of Financial Institutions (Mr. Kwinter) of having study after study instead of stepping forward and having a little bit of political nerve and putting in a patient advocacy program for the residents of those nursing homes?

**Hon. Mr. Elston:** We have indicated we are putting in place much strengthened residents' council activity which will assist the residents in meeting any concerns in a local home. Not only that, we have put up money to assist those people to develop their skills and have indicated that where a request is made we will provide them with some support people who will assist them in carrying out their function.

I do not know what the member has against the activities of residents' councils, but it seems to me we can assist the people who are living in these homes to deal with the questions of how the homes are operated and we can provide those residents with a manner in which they can deal face to face with the owners and provide us, as a ministry, with information that is required to provide us a way of enforcing in situations where care may not be there.

14:50

## STEEL INDUSTRY

**Mr. Morin-Strom:** I have a question for the Minister of Labour about Ontario steelworkers whose jobs are threatened by the import quotas on Canadian steel currently being proposed by Democrats in the United States Congress. At the same time, these jobs are being threatened by continuing dumping of offshore steel right here in the Toronto area. In the US, where our market share is increasing, Canadian steel is being targeted as the biggest problem facing the US steel industry. Senate spokesmen are saying that legislation on steel trade is very likely.

Can the minister tell us what he and his ministry are doing to protect the thousands of threatened jobs in our Canadian steel industry? Can he assure Ontario steelworkers that they will not be the next concession that will be offered to the Americans to keep us in the free trade talks?

**Hon. Mr. Wrye:** The question would have been more properly addressed to my colleague the Minister of Industry, Trade and Technology (Mr. O'Neil) or to the Premier (Mr. Peterson), who, as the honourable member knows, has been handling the lead responsibility in the free trade talks. This government's action in the free trade discussions and the role the Premier and the Minister of Industry, Trade and Technology have played make it abundantly clear that Ontario will not stand idly by while any discussions or activities threaten the viability of any industry, including the steel industry.

**Mr. Morin-Strom:** The Minister of Labour should be one of the strongest spokesmen for the workers of Ontario in protecting their jobs, which are being threatened in the current situation. The minister should also know that those jobs continue to be threatened by unfair trade and the dumping of steel into our Canadian market. Algoma Steel is losing business today to offshore producers, who have discounted heavy structural and plate steel from Denmark, Mexico and Spain currently sitting on docks in the Toronto area. What are the minister and his ministry going to do to protect the workers in the steel industry from unfair trade practices?

**Hon. Mr. Wrye:** The question would be properly placed to the Minister of Industry, Trade and Technology, but I will take the question as notice on behalf of the minister and discuss it with him as soon as I can get in touch with him.

## IDEA CORP.

**Mr. Gillies:** We would again like to try to convince the Attorney General of the wisdom of a judicial inquiry into the Wyda matter, and I would like to put the following thoughts to him. When the Ontario Provincial Police report the results of its ongoing investigation, it will put that report before the Attorney General. He will decide which, if any, part of that report should be brought before this House and before the public.

In view of the circumstances of the case, and particularly in view of its political ramifications, would the Attorney General not agree that the more sage and judicious course of action would be for this matter to go to a third neutral party, a judicial public inquiry, where it could be



adjudicated without any suggestion or hint of politics?

**Hon. Mr. Scott:** I thank the honourable member for his question. He probably agrees that the important thing is to have a complete and full police investigation and to have that report in hand at the earliest possible time.

**Mr. Pope:** We have no indication from the Attorney General or from anyone else in the government of the scope of the OPP investigation. He refuses to tell us that. Yesterday the Premier (Mr. Peterson) said, "If you do not like the fact that you are not getting any information, take the OPP into your confidence and talk to them." We are talking about a unanimous recommendation of the standing committee on public accounts. We are talking about a request in August for a forensic audit, which this government stalled and refused to co-operate with. We are talking about question after question concerning the Attorney General's involvement. I raised it again last Thursday.

**Mr. Speaker:** And the question is.

**Mr. Pope:** At first he denied he was at that meeting and then he said he was at that meeting. We are talking about a report being made to him when he was at a meeting with principals involved in the OPP investigation.

**Mr. Speaker:** Question, please.

**Mr. Pope:** Since he was involved in this matter in July, why will he not get this off his desk and have a full judicial inquiry?

**Hon. Mr. Scott:** To paraphrase another, the reason the report is being made to us is that we are here and they are there. That is point one.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** It is also to the credit of the New Democratic Party. I recognize that promptly.

To turn to the substance of the question, whatever the practice was during the time my honourable friend was the Attorney General, I want him to understand now there is no restriction whatever imposed by this or any other office on the ambit of the police investigation. They will run the investigation and they will determine exactly what they want to do and the way they think it can be most effectively done.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question for the Minister of Labour regarding the plight of the gold and mixed-ore miners in Ontario. My friend the

member for Cochrane South (Mr. Pope) wants to hear this one.

Once the Muller report was received by the minister, he referred it, as I understand, to the Industrial Disease Standards Panel, which was to decide the criteria. This panel invited Homer Seguin of the United Steelworkers to appear before it on November 14. On November 12, Homer Seguin received a letter from the minister which stated, "I am informed by my staff that the evidence presented in this study is not sufficient to conclude at this time that the excess rate of stomach cancer is work-related."

Why did the minister appoint the panel of experts when his staff has given him all this expert advice? Why did he undercut the industrial disease panel by already deciding on November 6 that cancer was not work-related?

**Hon. Mr. Wrye:** The Industrial Disease Standards Panel will review the findings of the Muller report. As the honourable gentleman knows, a number of claims by the gold and mixed-ore miners have been accepted in some areas over the years; many claims in many other areas have not. The Muller study findings will be reviewed by the panel, and advice will be given to the Workers' Compensation Board about where new claims and new approvals for work-related claims ought to be given.

**Mr. Martel:** I did not tell the following to Mr. Seguin in a letter; the minister did. He signed the letter. "I am informed by my staff that the evidence presented in this study is not sufficient to conclude at this time that the excess rate of stomach cancer is work-related."

The results of the Muller study identified a 90 per cent increase in lung cancer and a 138 per cent increase in stomach cancer in gold miners, using the health worker effect comparing gold miners with nickel miners. This information is serious, and one must remember this study speaks only to those who worked in the gold mines between 1955 and 1977.

Why did the minister appoint the Industrial Disease Standards Panel and then undercut it by saying there is not sufficient evidence?

**Hon. Mr. Wrye:** I will take a look at the letter. The honourable gentleman has read one sentence from it.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wrye:** I have spent the past while listening to a lot of nonsense from that side. I have heard a lot of nonsensical so-called facts.



15:00

**Mr. Martel:** You cannot dispute one fact, nor have you tried.

**Hon. Mr. Wrye:** The member asked his question and he is going to get a response. When they are reviewed, they turn out not to be the facts.

**Mr. Martel:** That is not true and you know it.

**Mr. Speaker:** Order. Will the members take their seats?

Interjections.

**Mr. Speaker:** Order.

**Mr. McClellan:** On a point of order, Mr. Speaker: It is very clear from what the minister just said that he has accused my colleague the member for Sudbury East (Mr. Martel) of presenting incorrect information to this Legislature. I ask you to review the transcript. It was clear that the inference, the insinuation was that my colleague was not telling the truth.

**Mr. Speaker:** Order. I heard a dispute of facts.

**Mr. Martel:** Oh, no.

**Mr. Speaker:** I heard another member state deliberately, "That is not true." I think we are getting a little carried away.

Interjections.

**Mr. Speaker:** Order. We have to show some respect.

**Mr. McClellan:** Mr. Speaker, I am simply asking you to review the transcript.

**Mr. Speaker:** I am willing to do that, but we have to try to calm ourselves, and I say that to all members. I will take a look at it but I particularly—

Interjection.

**Mr. Speaker:** Okay, I will not make further comment at this time.

#### AGRICULTURAL FUNDING

**Mr. Stevenson:** I have a question for the Minister of Agriculture and Food. Did the minister or his ministry staff promise financial support for the 1986 crop to the growers supplying Natural Fry?

**Hon. Mr. Riddell:** That is not what I would call an accurate statement. This minister was prepared to go before cabinet with a submission to render assistance to the potato producers who had marketed their potatoes to Natural Fry, which recently went into receivership, pending a third-party equity investor in Natural Fry. The third party that had indicated an interest decided

at the last minute that it was no longer interested and the banks immediately put Natural Fry into receivership.

I have since taken steps to advise the potato board that I will consider establishing a financial protection program for the potato producers if that is the wish of the potato growers. If it is their wish, then I think we can work something out through the financial protection program for the potato producers who sent their potatoes to Natural Fry.

Natural Fry has been purchased by a company. Although we have been trying to find an opportunity to meet with the owner or to discuss the matter with the owner, he is in New Zealand and we do not know at this time what the owner's intentions are for Natural Fry. We suspect he is going to continue to operate Natural Fry in the province.

**Mr. Stevenson:** We have statements from Walter Davidson, Brian Cornish, Rudy Heijman and one Ross Whiteside clearly indicating that there were promises by Brian Slemko, George Collin and the minister's deputy clearly indicating that financial assistance would be forthcoming. Furthermore, there were statements from Campbell Soup and a bank manager, who is prepared to state he had calls from the ministry staff saying financial assistance would be forthcoming and therefore to go ahead and advance loans for the 1986 crop to those growers.

Is the minister going to come forward now and assist the growers his ministry hung out to dry on the 1986 potato crop?

**Hon. Mr. Riddell:** My ministry did not hang anyone out to dry. I am prepared to dispute the statements the honourable gentleman just made in this House. I tell my honourable friend that no member of my staff—no member—indicated to any potato grower that this minister was going to get financial assistance for him.

Interjections.

**Mr. Speaker:** My, oh my. Order.

Interjections.

**Mr. Speaker:** Order. Unbelievable. New question. The member for Scarborough-Ellesmere has been standing for some time and he would like to ask a question.

Interjections.

#### SKILLS TRAINING

**Mr. Warner:** I have a question for the Minister of Skills Development, who I understand is to meet shortly with the minister from Ottawa who is responsible for the Canadian Jobs

Strategy, Benoît Bouchard. At that meeting, will the minister attempt to get the \$130 million which the federal government has not spent in Ontario and apparently is obliged to spend in Ontario in job training?

**Hon. Mr. Sorbara:** My friend the member for Scarborough-Ellesmere is right; I am meeting the federal Minister of Employment and Immigration on Thursday morning to discuss these very matters. He points out, or at least he alludes to the fact, that the federal government has not been spending the funds it made a commitment to spend under the Canadian Jobs Strategy. I do not want to confirm the precise figure, but \$130 million is rather close. The federal ministry has not spent those funds and Ontario suffers accordingly.

I am going to be raising that issue with Mr. Bouchard on Thursday morning, along with a number of other concerns that we in Ontario have about the Canadian Jobs Strategy, as well as concerns other provinces right across the country have.

**Mr. Warner:** That mushy answer is not acceptable.

**Mr. Hennessy:** There is a tiger for you.

**Mr. Warner:** Thank you. It is strange where you get support from, even from those who do not understand the issue.

The minister entered into the agreement and we have been gypped out of \$130 million. He knows the Canadian Jobs Strategy is not much more than a slush fund for private industry, one of the results of which is that immigrant women do not get the kind of skills training help they deserve. I want to know what the minister is going to do to enforce the agreement which, unfortunately, he signed.

**Hon. Mr. Sorbara:** I really had the impression initially that my friend from Scarborough-Ellesmere understood something about the Canadian Jobs Strategy and some of its problems, but the fact is that through his supplementary he has indicated he does not understand what he is talking about.

**15:10**

On behalf of the government of Ontario, I entered into an agreement between myself as Minister of Skills Development and Flora MacDonald, the then minister, for a regime of training under the Canadian Jobs Strategy. It did not represent an endorsement of the entire strategy, which goes well beyond training and which is spending for job creation right across Canada.

The Canada-Ontario agreement on training has specific provisions dealing with training that may be done under this larger policy called the Canadian Jobs Strategy. I am not going to apologize on behalf of the federal government because under its Canadian Jobs Strategy it has failed to undertake the project it said it would undertake. I will raise it with the minister on behalf of this government.

## LIABILITY INSURANCE

**Mr. Callahan:** My question is addressed to the Minister of Municipal Affairs and deals with the report prepared for the minister in November 1986 by the Advisory Committee on Municipal Insurance in Ontario. It is of particular significance to my riding of Brampton, even though the members opposite do not think it is important—

**Mr. Speaker:** The question is?

**Mr. Callahan:** There will be a decision shortly with reference to a rather large liability case in Brampton. One of the recommendations made by the advisory committee was:

"The committee also recommends that subsection 4(4) of the Occupiers' Liability Act be expanded to include the following premises as being subject to the lesser duty of care as set out in subsection 4(1) of that act...vacant, undeveloped premises owned by a municipality or local board thereof, as defined in the Municipal Affairs Act."

**Mr. Speaker:** Question, please; quickly.

**Mr. Callahan:** In lieu of going through the roundabout process of amending the act, will the minister consider raising the liability for municipalities for acts that occur on their vacant land to that of gross negligence as opposed to simple negligence?

**Hon. Mr. Grandmaitre:** The honourable member knows the report is in the hands of area municipalities throughout this province. We are supposed to get their responses and their statements by the end of 1986. In January, the Minister of Municipal Affairs and the Minister of Financial Institutions (Mr. Kwinter) will be introducing the report.

## PETITIONS

### CONDOMINIUM LEGISLATION

**Mr. Cousens:** I beg leave to present a petition from several hundred condominium owners in the riding of York Centre residing in Thornhill:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"The undersigned beg leave to petition the parliament of Ontario strongly urging the government to review the current treatment of condominiums with regard to assessment so that condominiums will be assessed on the same basis as owner-occupied, single-family residences."

At present, the government is allowing discrimination to take place against condominium owners and this should change immediately. The people from my riding ask that the government act on it promptly.

#### EQUALITY RIGHTS LEGISLATION

**Mr. Brandt:** I beg leave to present a petition signed by 923 constituents from the riding of Sarnia:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario."

The petitioners are indicating their opposition to Bill 7.

#### COURTHOUSE

**Mr. Baetz:** Mr. Speaker, on a point of order: Last Thursday, at the close of question period, I asked the Attorney General (Mr. Scott) what he was doing to clear up the ongoing misunderstanding between himself and the legal community in Ottawa regarding the number of courtrooms required.

At that time, the Attorney General said, in a somewhat peevish and impatient manner, that if I had been in the Legislature several weeks earlier, I would have heard his total and complete explanation about this problem. It was at the close of question period last week, and because it was at the very end, I did not have an opportunity to state for the record that I was in the Legislature several weeks earlier; and not only that but also that I had raised the question.

**Mr. Speaker:** Order. I suppose that is a point of information. As members all know, they can correct their own statements. I think you were trying to correct someone else's statement; therefore, it is not a point of order.

**Mr. Baetz:** It is a point of explanation.

**Mr. Speaker:** I see.

#### MOTION

##### REFERRAL OF SUPPLEMENTARY ESTIMATES

Hon. Mr. Nixon moved that the supplementary estimates of the Office of the Assembly be considered in the standing committee on the Legislative Assembly following routine proceedings on Wednesday, December 17, 1986, and

reported to the House on Thursday, December 18, 1986.

Motion agreed to.

#### INTRODUCTION OF BILLS

##### NURSING HOMES AMENDMENT ACT

Hon. Mr. Elston moved first reading of Bill 176, An Act to amend the Nursing Homes Act.

Motion agreed to.

**Mr. Speaker:** Are there any comments?

**Hon. Mr. Elston:** I have no comments but I have a companion bill to introduce.

##### HEALTH FACILITIES SPECIAL ORDERS AMENDMENT ACT

Hon. Mr. Elston moved first reading of Bill 177, An Act to amend the Health Facilities Special Orders Act.

Motion agreed to.

##### COUNTY OF OXFORD AMENDMENT ACT

##### LOI DE 1986 MODIFIANT LA LOI SUR LE COMTÉ D'OXFORD

Hon. Mr. Grandmaître moved first reading of Bill 178, An Act to amend the County of Oxford Act.

L'hon. M. Grandmaître propose la première lecture du projet de loi 178, Loi portant modification de la Loi sur le comté d'Oxford.

Motion agreed to.

La motion est adoptée.

**Hon. Mr. Grandmaître:** The legislation will alter the boundary between the township of Norfolk and the town of Tillsonburg. This will implement an agreement negotiated by the two affected local municipalities and their respective upper-tier municipalities, the regional municipality of Haldimand-Norfolk and the county of Oxford. The legislation will also make a number of minor housekeeping amendments to the County of Oxford Act.

**15:20**

##### MUNICIPAL STATUTE LAW AMENDMENT ACT

##### LOI DE 1986 MODIFIANT DES LOIS SUR LES MUNICIPALITÉS

Hon. Mr. Grandmaître moved first reading of Bill 179, An Act to amend the Municipal Act and certain other Acts related to Municipalities.

L'hon. M. Grandmaître propose la première lecture du projet de loi 179, Loi portant



modification de la Loi sur les municipalités et de certaines autres lois relatives aux municipalités.

Motion agreed to.

La motion est adoptée.

**L'hon. M. Grandmaître:** Ce texte législatif propose une vaste gamme de modifications fort utiles à la Loi sur les municipalités. Par exemple, il vise à permettre à tous les conseils municipaux d'accorder des prestations supplémentaires à des employés en retraite. Les conseils pourraient également choisir la désignation de leurs membres, soit échevin, soit conseiller municipal.

Le projet de loi propose aussi un certain nombre de modifications connexes ou complémentaires à plusieurs autres lois, dont la Loi sur les aménagements locaux et la Loi sur les élections municipales.

### ORDERS OF THE DAY

#### EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT

Hon. Mr. Scott moved third reading of Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms.

**Mr. Speaker:** Mr. Scott has moved third reading of Bill 7. All those in favour will please say "aye."

All those opposed will say please "nay."

In my opinion the ayes have it.

Motion agreed to.

#### ASSESSMENT AMENDMENT ACT

Hon. Mr. Nixon moved second reading of Bill 167, An Act to amend the Assessment Act.

**Hon. Mr. Nixon:** The bill will remove the need to amend the Assessment Act each year to prevent the automatic introduction of full market value assessment across the province.

As the members of this House well know, the provincial takeover of property assessment in 1970 was accompanied with the promise of province-wide implementation of market value assessment. Each year for the past 12 years, province-wide market value reassessment has been postponed. In 1978, it was deferred indefinitely because of a lack of consensus among municipalities on appropriate and necessary tax reform measures to accompany its implementation.

It is not the intention of the government to impose province-wide reassessment at market value. For this reason, the bill will amend the Assessment Act to remove the automatic require-

ment that assessment rolls for every municipality in Ontario must be returned at full market value.

In summary, the bill will provide for the return of assessment rolls at current levels to ensure stability in the local tax base. The government will continue to offer, as a local option, three major reassessment programs: full market value under section 70, an approach taken in 138 municipalities since 1970; equalization of assessment based on market value under section 63, voluntarily implemented in 468 municipalities since 1979; and region- or county-wide reassessment, implemented for the first time in 1986 in the regional municipality of Sudbury and involving seven municipalities.

As well, we are presenting 100 impact studies this month to municipalities considering reassessment under these programs for 1987 taxation. Included are the county of Brant and the regional municipality of Haldimand-Norfolk.

Second, Bill 167 deals with condominium assessments. As a result of a Supreme Court of Ontario decision in 1984, approximately 190,000 condominium assessments are reviewed each year in relation to current market value. Last year, about 25 per cent received increases or decreases in their assessments. Condominium households are the only property group treated in this way for property tax purposes.

The bill provides that condominium assessments, like all other property assessments, will not be adjusted each year. The bill will also direct the courts and appeals tribunals in the matter of condominium appeals to adjust the assessment of the condominium so it is at the same level of market value as that of all other single-family homes and condominiums in the neighbourhood. In this way, the bill will ensure that condominium owners are placed on an equal footing for property tax purposes with all other home owners.

**Mr. McCague:** We will be supporting Bill 167 from the Minister of Revenue. I welcome the section on condominiums. I think the member for Oakville (Mr. O'Connor) tried to persuade the minister to do this last year, and even though it did take a year we are pleased to see it in there.

The minister will be pleased that we are supporting this. As I recall, the honourable member who is now the Minister of Revenue et al would never let other governments pass this bill for any more than one year because he wanted a yearly reporting of this. He was always saying: "You are doing the wrong thing. Change the process." The member has not been able to

change the process, as he found out to his chagrin.

In the region of Sudbury, we welcome the section 63 reassessments, the impact studies and so forth. They were all good programs brought in by the previous government.

**Mr. Foulds:** I appreciate the Minister of Revenue's comments. I wonder if the meeting to my right—

**Mr. Breagh:** On a point of order, Mr. Speaker: I do not normally do this, but I would like to hear this speech. I would like not to hear the three speeches that are going on over here.

**Mr. Shymko:** Tell the member for Oakwood (Mr. Grande) to sit down and not disturb us.

**Mr. Breagh:** I would like to tell the member for High Park-Swansea (Mr. Shymko) to sit down and not disturb us.

**Mr. Foulds:** I have some very brief comments on this bill. It is actually a truly Liberal bill. In the tradition of William Lyon Mackenzie King, this bill achieves a kind of Liberal perfection, as they see it; that is, market value if necessary but not necessarily market value assessment. That used to be the credo of the Progressive Conservative government, but it went too far to the right and lost the last election.

This bill, if it does not deserve enthusiastic support, certainly does not deserve opposition. First of all, it removes the annual embarrassment to all legislators of having to postpone the implementation of market value assessment on a yearly basis. Let us be frank about it, that has been an embarrassment to all legislators in all parties. This minister wants to get off the petard that the Tories hoisted themselves with, and I have a considerable amount of sympathy for that.

More seriously, I think this bill and this amendment indicate just how difficult it is not merely to bring in tax reform, whatever field it is in, but actually to define what tax reform is. There is no doubt that when market value assessment was first implemented or first thought of and when it was thought of as being brought in on a province-wide basis, it was originally seen as a progressive move. However, we found some of the implications of the practicality of implementing it were not so progressive; that is, residential property would be assuming an increasing amount of the local tax base. I want to point that out to the Legislature and the province.

15:30

One aspect of the bill that I think receives universal approval is that there is no reason in the world why condominiums, especially individu-

ally owned condominiums, should be treated any differently from any other private residential property. In the strict sense of the word, they have been discriminated against in the legislation up to this point. It is a very healthy sign that at least we are getting condominiums synchronized with the taxation for residential property otherwise owned by individuals in individual dwellings. That is a healthy step, because it recognizes that condominiums are going to be with us in the future and will probably represent an increasing share of our housing mix.

Since this is a debate on second reading and the principle, I want to spend a few moments on what these amendments to the Assessment Act fail to do. I want to deal with one case.

There is no doubt that my colleague the member for Lake Nipigon (Mr. Pouliot) was very pleased with the statement by the Treasurer (Mr. Nixon) last week about the provincial government picking up some of the lost revenue for the township of Marathon. Communities such as Marathon—in this case, Manitouwadge and White River—have to service mines outside their jurisdiction and do not get a share of what should be the property tax assessed on those enterprises.

I would like the Treasurer and Minister of Revenue to give very serious consideration to making sure that whenever a mining development such as Hemlo is started, it is designated as part of the municipalities that have to serve it.

We did that in this province by enlarging the city of Timmins to the largest geographic municipality in Ontario so that it would incorporate the mines that town serves in its geographic boundaries and therefore make them subject to local assessment. After literally decades of struggle, the city of Sudbury was enlarged to incorporate the mines of Falconbridge and Inco.

Although it would be difficult in the Hemlo situation, because it is served by three different municipalities, there must be within the Ministry of Revenue and the Treasury the ingenuity and the wit to find a way to declare that property part of the municipalities that service the men and women who work in those enterprises.

The reason this suggestion I am putting forward is so important is twofold. First, it gives the local municipalities the control and the assessment over the local enterprise; therefore, it is not dependent on an annual handout by the provincial government.

The second reason it is very important is so that enterprises such as mining are not subsidized by the taxpayers of Ontario as a whole when the provincial government grant goes to those



municipalities in lieu of those enterprises paying taxes.

After all, in northern towns almost every pulp and paper mill—in fact, I believe every pulp and paper mill—which is part of a resource-based and resource-dependent community, is within the municipal boundaries of those municipalities and therefore is taxed. The mining sector should be treated the same way. That would accomplish two things. First, it would give the local municipalities more of a tax base. Second, it would relieve the provincial government of having to subsidize those municipalities annually or letting them swing in the wind without the tax base they deserve, which was the case until the announcement by the Treasurer and Minister of Revenue a week ago.

I very much regret that the Treasurer did not take the opportunity to amend the Assessment Act in that way with this bill. It is a bill that does more than one thing. There are three or four clauses in it, and he could easily have done that.

In conclusion, what the bill does is not a great deal, but it does save us some political embarrassment. Where it removes the threat of residential properties taking up an increasing share of the local tax base, we support it.

Finally, it is a shame that an increasing burden is being placed upon property tax. This government has not been able to reverse the trend started under the previous administration, particularly in the last 10 years of its governance, that forced more and more of the social costs and the costs that should be borne by the provincial and federal revenues on to local municipalities.

I was reminded of this very forcefully last week when I made a presentation to the social assistance review in Thunder Bay. Because Thunder Bay is an isolated, large community 400 miles from Winnipeg and roughly 400 miles from Sault Ste. Marie, it receives a number of so-called transients who apply for social assistance. Under the provincial legislation, such people should be deemed to be resident in the municipality in which they make the application, but that does not happen. Often, they are offered a tank of gas and told to get out of town.

That is a shameful way for those people to be treated. People in our society requiring assistance should be treated with humanity and dignity. I need not go through all the arguments for doing that, but one of them is that it is our responsibility to be our brothers' and sisters' keepers. The situations I have described happen at the local administrative level because the local administrators look good to the local councillors

if their budgets are underspent, particularly in social services.

Services such as that should be funded 100 per cent by the province. We should remove those kinds of services from a municipal tax base that is based on property. Although we have limited tax revenues available to us in comparison with the federal government, the municipalities have even fewer tax revenues and a lower tax base available to them. Property tax should be reserved for those basic things that service property, such as lighting, sewers, snowploughing, garbage collection, police enforcement and so on.

With those remarks, I conclude my contribution on second reading but indicate support for the bill.

**Mr. O'Connor:** I welcome the opportunity to say a few words with respect to Bill 167, An Act to amend the Assessment Act, and indicate I can support the bill in all its clauses.

The principle enunciated in section 1, that we need not go through this process annually, is an admirable one that perhaps should have been set out in the past. I would also like to make some comments with respect to section 2.

**15:40**

I can recall almost exactly a year ago today, in December 1985, rising in my place in this House for a debate on the predecessor bill to this one, which was passed. We have needed to pass one in December of each of the last 10, 11 or 12 years. At this time last year, I pointed out to the Treasurer, who was then in his place, as he is now, the difficulty and inequity the Assessment Act dealt to condominium owners, who under subsection 65(2) of that act were subject to market value assessment, notwithstanding that the municipality in which they were located may not have opted yet for a market value assessment program. Thus, they were reassessed annually on a basis that, in many cases, was unfair.

I urged upon the minister at that time that some step be taken to redress that inequity and to repeal the provisions of section 65. I am delighted that the bill before us today repeals subsection 65(2) and substitutes therefor a section which, in effect, freezes condominium market value assessment until such time as the municipality in which those condos are located opts for a full market value program.

This is particularly applicable to my riding, the town of Oakville, where there are a number of condominiums that have for the most part been subjected to significant increases in taxation annually because of the old subsection 65(2) and



where the town is in the process of moving towards market value assessment in that our impact study has been completed, the results of which will be presented at a public meeting on January 8, 1987. It may be only a short time before all of Oakville will be assessed under a market value scheme, and thus fairness will prevail throughout the system to all property owners as well as condominium owners.

I compliment the Treasurer for this section and for his sensitivity towards the plight of condominium owners, at least with respect to this problem they are enduring.

I regret he did not have the foresight and show similar sensitivity towards condo owners last week when we were dealing with the question of adults-only buildings and the very reasonable exemption I proposed for condominium owners in respect to doing away with adults-only buildings generally in the province. However, most condominium owners in the province know that I and this party attempted to assist them in regard to that problem and that it was the other two parties of this House that saw fit to ignore their plea in this regard.

I will therefore be supporting this bill in second reading and thereafter in its passage through this House.

**Mr. Philip:** It will come as no surprise that I rise to congratulate the Treasurer and the Minister of Revenue on his learning experience. I can recall in very vivid terms how the minister argued with me during his first set of estimates against the very proposals he is now implementing.

In spite of the extensive research I tabled on the inequities in the city of Etobicoke and the city of Toronto to condominium owners, and in spite of the fact there were absolutely no arguments against the fact that under that system condominiums were being discriminated against, he refused at that point even to consider the kinds of reforms he is implementing at present. For whatever peculiar reason, he could not understand that the yearly reassessment in a hot market was creating a grave inequity to condominium owners in comparison to owners of other forms of housing.

As a result of this, I expect a majority of condominium owners in my area—based on research that was done, albeit a couple of years ago—should pay proportionately less in taxes compared to other home owners than in the past. This means that over the years they have actually paid higher than they should have.

I take a certain amount of satisfaction in saying it has finally come. At least this Minister of Revenue did not require, as the previous minister did, a major court case to bring in some kind of reform. At least this minister, unlike the previous minister, did not have to be dragged into it. He at least finally came to his senses and is implementing what we have been asking for, not just of him but for several years of the previous government.

It is good to see the Liberals for once on the side of the condominium owners. I am pleased with the conversion. I hope he will be similarly on side with some other issues, such as bringing forward the new Condominium Act, which is long overdue.

**Hon. Mr. Nixon:** I appreciate the indications from both opposition parties that they intend to support the bill in principle.

I simply want to make some reference to the fact that for the last 12 years we have had a repeated bill which enabled the assessment rolls to be returned at something other than market value assessment as is required under the Assessment Act.

I certainly did not stand in the way, as the member for Dufferin-Simcoe (Mr. McCague) has indicated, of the previous government changing what became a totally inane process. It was more or less a bending of the knee to the wisdom of St. Darcy McKeough, who had introduced the concept of market value. With his influence in the cabinet and across the province, he felt he would have no difficulty in imposing market value assessment without any delay and that three or four years would be sufficient; therefore, the Assessment Act that was brought in would make it mandatory that market value assessment be returned in the rolls.

They had a good deal of difficulty in this. Members may recall that the same predecessor, who really had municipal affairs bound into his ministry, Treasury, Economics and Intergovernmental Affairs, was also very much in the way of imposing regional government right across the province as well. While he was successful in imposing it on a great number of our population, that was finally stopped. Premier Davis had the good judgement to announce that there would be no further regionalization. The market value assessment program got stopped too.

I recall Willis Blair, well known to all members of the House in a number of capacities, was set up as a special hearing officer, chairman of a review committee to listen to the views of municipalities and others on how assessment might be extended at market value in a way that

would be acceptable to all concerned. His recommendation indicated to the government that the difficulties would continue and the whole program was put in abeyance for a time in the 1970s.

In recent years it has picked up speed again and many municipalities have seen the wisdom of accepting market value assessment. Under my predecessors, the Ministry of Revenue implemented a process of impact studies, which allowed the elected members of the municipal council to look at what the actual effect would be, if not on individual properties at least in areas and communities. They could indicate whether some communities would have a larger proportion of increased taxation as opposed to others. In rural communities, the big question was, what would the effect be on the farmers?

The impact study enabled the municipal councillors to assess the community response, and in many instances the ratepayers themselves would at least have access to the information in general terms so that their responses would be made either more acute or more moderate, depending on the effects they felt would occur in relation to their own properties.

#### 15:50

This concept and policy of establishing impact studies was and continues to be extremely helpful. In many instances, market value assessment decisions would not have been arrived at without impact studies, which more or less indicated the results would not be so traumatic and far-reaching as was thought by some people, who were rather nervous whenever they thought about these matters, particularly those people who continued to attempt to put some sort of political complexion on reassessment. I think that is a very detrimental approach to the benefit of the taxpayers and the good of the community as a whole.

In the days when I was expressing moderate reservation, the approach of an impact study had not been taken to the pinnacle of perfection that honourable members can observe at present, but because of this process, some rather reluctant municipalities were persuaded to go forward at considerable political risk to themselves, and I repeatedly extended as much of my personal congratulations to them as I could.

I think of the council and mayor of Mississauga, who went forward with market value assessment, and I believe the results have been generally acceptable, although from time to time the volcano of public opinion erupts in a rather moderate way. It seems to me that if there was

ever a good example of how it can be done effectively by the assessors—who are professional and well directed—in a major municipality, with all the difficulties inherent in its size and economic complexion, and be reasonably well accepted by the ratepayers on the basis of overall fairness, that was a good example.

We have also gone on to allow regional reassessments, as in the special case of Sudbury, and we have delivered an impact study to the regional municipality of Haldimand-Norfolk. They are considering whether to proceed. Of the 838 municipalities in the province, all but 200 have now had the advantage, in my view, of market value assessment under section 63 or section 70.

Of course, some major urban areas are not yet reassessed. Metropolitan Toronto is the most important and largest one. I am glad to remind members that Metro council has indicated at least a reasonable support for market value assessment to occur in the next two or three years. There were reports in the local press in the past few days based on the wording of a letter I sent to Metro Chairman Flynn about the upgrading of the impact study, which is going to be brought up to 1984 values and made available by June 1987 to assist the Metro councillors in making their decision.

I am quite confident that having had the resolution passed by Metro council and being prepared to discuss with it the development of responsibilities for this matter and an understanding of the provisions already in the Municipal Act and the Assessment Act that will permit local and regional municipalities to adjust the impact on individuals, particularly those on fixed and low incomes, it can go forward in a way that will be understandable, accessible, fair and supportable to any reasonable person.

I appreciate the comments on condominium assessment made by the honourable members. I hesitate to agree very much with the member for Etobicoke (Mr. Philip). He has a way with words that makes it difficult for me to agree with him. He indicated there was a certain learning process as far as I was concerned, and I am not prepared to say he is totally incorrect in that observation. Condominiums are not extensively utilized in my part of the world. Many of my constituents are not sure of the meaning of that word and have so indicated to me. However, even in Brant county we are rapidly catching up with the times. People are realizing that the concept of condominium ownership is a useful one that is rapidly extending right across Ontario.



I recall when the word was first used in this assembly. When the legislation was brought forward, the assessment of these living arrangements was based on a multi-unit building like an apartment building. It seemed to make sense, until it became apparent that the assessment in an urban area would be at least double that of an individual house. Court actions were entered into, and from a variety of judicial decisions there has been growing complexity and confusion in this matter.

Now the value of the average condominium unit is accelerating very rapidly. Without the freeze proposed in the amendment, condominium owners would experience substantial increases in assessment and therefore pay a larger share of the tax in any municipality. We agree with the comments made by opposition members and by many letter writers that the freeze should be extended to condominium properties identical with other properties, with specific advice given to the courts of revision and the courts in general. I am glad this change has been received enthusiastically and hope it will be seen as substantially improving and increasing fairness in the taxing of real property.

The member for Port Arthur (Mr. Foulds) mentioned the problems of taxation in areas of the north where the source of employment is outside the boundary of the municipality. I was very glad to make an ad hoc statement dealing with Marathon and indicating a specific transfer of \$500,000 in the immediate future. We will be consulting with the councils of Manitouwadge and White River if they want to participate as well.

We have to come up with a more understandable and reasonable solution. I am not at all sure that extending municipal boundaries to include some gold mining property within some miles of the municipality is the best solution, although that may be the one that would be entered into. It is also possible that a formula for a special grant could be worked out that would be fair and equitable. Some sort of northern municipal support fund could be established, to be allocated in a way that would be seen to be responsive and sensitive to the changing needs of northern communities.

I do not know what the answer will be. The honourable member said very properly that with the very capable advisers available to me in the Treasury, the Ministry of Revenue and the Ministry of Northern Development and Mines, and in consultation with the Premier (Mr. Peterson), who is also Minister of Northern

Development and Mines, we will surely be able to come up with something, probably to be announced in the next budget, some time in May or whenever.

The member also indicated something in which I am very interested, that property taxes should be considered in the context of more general tax reform. It is obvious, with Michael Wilson and the government of Canada taking the lead and responding to initiatives taken in the United States, that most of our tax revenue sources are being reconsidered, rebalanced and rejigged, including personal income tax, corporation income tax and sales tax as well as federal sales tax.

We ought to be looking at the role of property tax in this and I hope this will be seen to be done as we move forward in tax reform. I appreciate the support of the members. I hope this will go forward since it is somewhat late even now. There will be no difficulty. I am assured by the experts in the field who have done this for the past 12 years that the property tax rolls will go forward to the municipalities in a fair and equitable form. We will continue in our commitment to improving the quality of property taxation in Ontario.

Motion agreed to.

Bill ordered for third reading.

**16:00**

#### ENVIRONMENT ENFORCEMENT STATUTE LAW AMENDMENT ACT

Hon. Mr. Bradley moved second reading of Bill 112, An Act respecting the Enforcement of Statutes related to the Environment.

**Hon. Mr. Bradley:** I am pleased today to speak in support of legislation that dramatically restructures the existing enforcement provisions of the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act.

The legislation will provide the courts with a wider range of appropriate effective sentences. It will reduce the cost and length of trials by making it easier to introduce uncontroversial evidence. It will remove barriers to conviction of corporation offenders. It will place a duty of care on top corporate officials. It will improve the efficiency of enforcement by ensuring that straightforward, simple requirements to improve environmental quality can be imposed by the court that convicts polluters.

Stiffer sentences are intended to deter convicted offenders from future violations and to strip them of the profits of their illegal activities, while innovative alternatives to fines will be available,



including orders to clean up pollution and to take steps to prevent a repetition of the offence. The judicial process will be streamlined to avoid unnecessary expense and delay without interfering with the fundamental right of defendants to a full and fair trial.

The legislation will also reduce the opportunity for corporations to shift the blame for violations to employees and agents of the company. Indeed, the duty-of-care provision places pollution prevention responsibility where it rightfully belongs, at the top of the corporate ladder.

As Minister of the Environment, I intend to enforce the laws vigorously and evenhandedly. This legislation, together with the uniform enforcement policy recently implemented by my ministry, will assist the ministry and the courts to apply the appropriate level of sanction to unlawful conduct. Minor infractions can be recognized as such and punished appropriately, while the courts will have the power to bring down the full weight of the law on flagrant polluters.

The key provisions of the legislation then are as follows: higher fines and imprisonment for serious offences; innovative alternatives to fines and imprisonment to ensure cleanup of pollution and prevent the repetition of the offence; the removal of some evidentiary barriers to conviction of offenders; provisions to ensure that fines levied by the courts are paid promptly and that court orders are carried out; the authority to require that financial security be put up for the abatement projects; and an unequivocal statement that executives and directors have a duty to take all reasonable care to avoid an unlawful pollution incident.

Some Ontario polluters have been profiting by polluting and impoverishing our environment, making us all suffer the consequences of acidic air, dirty recreational waters, contaminated fish, unpotable ground water and despoiled natural landscapes. Paying minor fines has been far less costly for some offenders than paying for effective pollution abatement equipment, implementing more careful operating practices and carrying out preventive maintenance to protect the environment. This new legislation will make it more expensive to violate the antipollution laws than to comply with them.

The new legislation must recognize the special place of corporations in society. The former fine structure failed to reflect the much larger financial resources available to corporations and the greater ability of their activities to cause

widespread harm to the environment and to human health.

By incorporating their businesses, individuals obtain privileges they would not otherwise have, including more favourable rates of taxation. It is only fair they should also accept reasonable burdens of incorporation. Higher fines will also help to remove any unfair advantage that may result from this special treatment. Individuals do not generally carry on business on a scale capable of causing massive pollution. These noncorporate polluters are generally unable to pay extremely high fines for major pollution offences.

Inflation has also dramatically reduced the impact of fines, especially for corporations. The fines will be raised not only to reflect the effects of inflation but also to reflect advances in scientific knowledge and, most of all, society's greater awareness of the importance of protecting environmental quality.

We now recognize that individual pollution incidents, believed years ago to have minimal environmental impact, can have serious consequences, especially when considered as part of a pattern. The destruction of the ecosystem is gradual, cumulative and synergistic. We now realize that each emission contributes to the gradual destruction of the ecosystem and each such blow must be taken seriously. Fines for improper waste management are a classic example of this.

When the Environmental Protection Act was passed in 1971, the maximum fine set for improper waste disposal offences was \$2,000. That was before Love Canal and Times Beach. Accordingly, the provisions creating the fines for waste management offences have been repealed. These offences will now be subject to the same fines as most other offences under the Environmental Protection Act. In fact, the most stringent penalties available under this new legislation will be for improper handling of hazardous waste which causes actual harm to human health or the environment; there are fines of up to \$225,000 a day and up to a year in jail.

We have retained the same fine structure for most offences for individuals but now have a separate structure for corporations involving much higher fines. For corporations, maximum fines for the most serious offences, those involving polluting and violating Ministry of the Environment stop orders, will be \$50,000 per day for first convictions and \$100,000 per day for subsequent convictions.

The option to imprison flagrant offenders will also be extended to the most serious offences,

those involving pollution, violation of a stop order and mishandling of hauled liquid industrial and hazardous waste. Where corporation directors, employees and agents are closely involved with the commission of the corporation's offence, they can be personally charged and convicted as parties to the offence. As individuals, they can be fined a maximum of \$5,000 per day for first convictions and \$10,000 per day for subsequent convictions. For the most serious offences, they can also be imprisoned for up to one year.

Furthermore, Bill 112 recognizes that although corporations are abstract entities, they are run by individuals. As the first Baron Thurlow put it, corporations have "no soul to be damned, and no body to be kicked."

Today I am introducing an amendment to state unequivocally that each and every director and officer of every corporation that carries on activities that create a risk to the environment or to human health has a duty, commensurate with his or her responsibilities within the corporation, to do everything possible to ensure that the corporation establishes and fully implements the appropriate pollution prevention systems. The failure of officers and directors to take all reasonable steps available to them to prevent offences will in itself be a violation of the legislation.

The courts will also have the power to impose additional fines to ensure that lawbreakers are deprived of any financial gain achieved by polluting Ontario's environment. Thus the maximum fine for a corporation that pollutes for profit will be the full amount of the benefits obtained from committing the offence as well as a fine of up to \$50,000 for a first offence. Individuals will now be fined up to \$500 on a first conviction for littering and up to \$1,000 for subsequent convictions. Corporations will be subject to fines twice as high.

#### **16:10**

Higher fines will be available for violations of the ministry's container regulations. Up to now, these violations have been subject to the same fines as littering. The new legislation recognizes the greater gravity and more substantial environmental impact of violations of the container regulations and that these violations are likely to be committed by corporations.

In addition, a person who is convicted of an offence will be subject to higher fines for a second conviction of any of the environmental statutes, not just a violation of the same statute. For example, a corporation that is convicted of an

offence under the Environmental Protection Act and subsequently convicted of a different offence under the Pesticides Act will be liable to a maximum fine of \$100,000 not \$50,000 per day.

The maximum fines under the old legislation failed to accomplish a satisfactory level of deterrence. Former maximum penalties for most violations of the Environmental Protection Act and the Pesticides Act were \$5,000 for a first conviction and \$10,000 for subsequent convictions.

The Ontario Water Resources Act formerly contained a maximum fine of \$5,000 a day for polluting or failing to report pollution. However, the majority of offences under this act were penalized by \$100, \$200 or \$500 fines. This fine structure could not help but telegraph a potent message to the community at large: it paid to pollute in Ontario.

The government intends the new legislation to forge a new awareness in Ontario that it is not only more responsible to obey pollution laws, but it is also cheaper. Bill 112 will also give the courts more flexibility and broader options to fashion appropriate remedies. This will improve both the effectiveness and the efficiency of the enforcement process.

In addition to fines and imprisonment, the courts will also have the power to impose orders similar to a probation order, requiring offenders to take steps to prevent the continuation or repetition of the offence. These orders can also require offenders to rectify the harm caused by the illegal activity. This is necessary because the probation provisions available under other legislation may apply only to individuals. Some provision is needed to ensure that substantial environmental offenders, most of which are corporations, are also subject to appropriate supervision by the courts.

In addition to the penalties a court can impose, or instead of penalizing the offender in appropriate cases, the court will have the power to order straightforward steps that can be taken within a short time frame to abate and clean up pollution resulting from the offence. This will protect the environment and the victims of the offence.

To ensure that these orders are not unduly onerous and are limited to relatively simple procedures that can be carried out with minimum supervision by the court, the order will be restricted to actions requested by the ministry. These will have been reviewed for their practicability and effectiveness and be able to be carried out within one year.



If practical problems arise in carrying out the terms of the order or the offender later discovers a more effective or inexpensive way of accomplishing the results, an application can be made to the courts at any time to vary the order.

If fines are not paid, the court will be able to suspend licences, permits and approvals issued under the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act until the fines are paid in full. This provision will not apply to all approvals issued by the ministry. Some approvals are issued to install pollution abatement equipment and systems designed to prevent pollution. It will be counter-productive to withhold approval to carry out such measures.

The legislation will expand the power of the court to accept certain routine documents and certificates setting out uncontroversial facts of evidence without the need to establish this by calling witnesses. It will allow the ministry or the defendant in a prosecution and the parties at administrative hearings to produce documents such as orders, licences and approvals without calling the person who issued them. The ministry will also be able to submit a certificate stating that certain documents are not found in the ministry's files.

Also, the ministry will be able to submit a certificate stating that the ministry has not been notified of spills or other discharges. This will not interfere with the defendant's right to a full and fair trial, since these documents and certificates as to the state of affairs will be conclusive only where there is no evidence to the contrary. It is also consistent with the rule of law that generally the crown need not prove a negative or an exception. This will streamline trials and reduce unnecessary expense. Ministry officials will no longer need to travel hundreds of miles to give evidence on matters that are not in dispute.

The provision will also expand the contents of a laboratory analysis report that are admissible without calling the laboratory analyst. The legislation will clarify the circumstances under which corporations are responsible for the conduct of their employees and agents.

One popular line of defence for large corporations is to argue they have no legal responsibility for the conduct of their employees and agents. This has made it necessary to prosecute employees and contractors who are in a poor position to defend themselves against such allegations. The purposes of prosecution, such as deterrents, are poorly served when the brunt of legal responsi-

bility falls on people with little power within a corporation.

The requirement that corporations take responsibility for the conduct of employees and agents, unless they can show they have taken all reasonable care to discourage such conduct, will provide a strong incentive to the management of corporations to ensure that the corporation set up proper pollution prevention systems, properly trains and supervises employees and provides in contracts with contractors that activities on behalf of the corporation must be carried out in an environmentally sound manner. The legislation is necessary to discourage corporations from placing the blame for violations on their employees as a way of avoiding corporate responsibility.

The legislation will also facilitate the pledge in the ministry's uniform environmental enforcement policy to prosecute in an evenhanded, nondiscriminatory and fair manner by removing anomalous exemptions for municipalities in the Ontario Water Resources Act. Many offences in that act were punishable unless committed by a municipality. Such immunity from the law is not consistent with our belief in evenhanded enforcement and is not acceptable. Crown immunity is also removed.

I believe the new legislation will accomplish the prime objective of enforcement, which is deterrence. Its general thrust accurately reflects the direction recommended by the Law Reform Commission of Canada. In recent reports, this respected body has viewed environmental protection as a fundamental human value and has advocated more effective sentencing options and tougher environmental laws.

This legislation will accomplish in Ontario the goal of these law reform commission reports, which is to ensure that environmental offences are given the serious weight they deserve, prosecuted vigorously and made subject to appropriate sanctions. The new enforcement structures introduced today, I believe, will suitably recognize and provide appropriate deterrents for offences against the environment in Ontario.

**Mr. O'Connor:** I have a question of the minister. Would he confirm to this House that this bill is his first piece of legislation to be brought forward to the House? In fact, it was brought forward exactly one year after he first promised it. It confirms what we in this party have been saying for some time, that this minister has been running his ministry by pronouncement, by announcement, by press releases, but by little or no action until now with the bringing



forward of this very modest piece of legislation. There has been little or no action in his ministry. Will he confirm that to us?

**16:20**

**Hon. Mr. Bradley:** The member for Oakville is not being very charitable this afternoon. I thought he would be hailing this as a landmark piece of legislation. The former Minister of the Environment, the member for St. George (Ms. Fish), would probably understand and recognize better than the member for Oakville that the provisions available through regulations and other activities that the ministry can undertake can be very effective and that the programs we have carried out, such as the countdown acid rain program, were brought in by regulation.

The Environmental Protection Act as it exists now, the Ontario Water Resources Act and the Pesticides Act all provide an excellent framework from which we may choose to place in effect regulations that can be very tough. This is a clear indication that the activities we have undertaken have been action-oriented and that the ministry has been action-oriented. I know the member for Oakville is pleased with that.

In terms of the length of time related to this bill, which the member has asked questions about, initially I wanted to see the legislation dealt with in two stages: a bill that would have been dealt with in the spring session and a bill that would be dealt with in the fall session. We had a lot of legislation that got down to the wire at the end of the spring session. The House leaders met and decided upon those pieces of legislation that should proceed and all parties agreed to those provisions, although we would like to have seen everything proceed. As a result of that—

**Mr. McClellan:** Mr. Speaker, on a point of order: The member knows full well that the government House leader, and only the government House leader, decides which bills will be ordered for debate in this House. To say otherwise is completely and totally false.

**Hon. Mr. Bradley:** Speaking on that point of order, I have never been in the esteemed position of House leader, but my understanding of the process is that the House leaders meet and discuss potential pieces of legislation. The opposition can say, "We will not allow this session to close until such time as certain pieces of legislation have passed," and that is the way the process goes. I was not trying to be cantankerous about this.

**The Deputy Speaker:** Order. The discussion here is about procedures. It is not a proper point of order.

**Ms. Fish:** I am pleased to rise and participate in the second-reading debate on Bill 112. My principal regret has been the time it has taken for this bill to come forward. I know well that the work was under way by staff in the Ministry of the Environment on a form of legislation very similar to what has come forward here in Bill 112, at the time I, with some regret, found myself stepping down from that very fine and interesting portfolio at the close of June. That was a year and a half ago, in 1985.

I am mindful of the many statements, comments, speeches and news releases the minister has given or issued that spoke of this legislation as being promised and promising it to come forward with particular dispatch, indeed by the close of the calendar year 1985.

One year later, the close of the calendar year 1986, is better than nothing, although I hope we will move rather quickly through the second-reading debate, the formal part of the discussion we are having now. The minister himself, in the course of time it has taken to move from first reading of this bill on July 3, 1986, to this decision by the government House leader to call the bill for second reading, has a number of amendments he would like to put to the bill, which will require some committee discussion. We on this side of the House also have a few thoughts to offer the minister in a fashion that we feel will improve the bill.

I will conclude my brief remarks by saying I am pleased this minister has continued the work I was able to initiate in the ministry and I look forward to seeing adoption of an improved bill shortly.

**Mr. Newman:** The minister is aware of the comments I made in the House concerning transboundary pollution.

**The Deputy Speaker:** Order. It has to be questions of the member for St. George. Questions and comments? There being none, debate?

**Mrs. Grier:** As did those ahead of me, I welcome the fact that now, for whatever reason, the delays on Bill 112 have been overcome and we finally have it before us. With any luck, we might get an even better version passed into law before too long.

The gestation period has been long, but the bill has certainly been improved by virtue of that. Had we, as the minister indicated he wished to do, moved earlier in the year with the first version of the bill, we would have been shortchanging the environment of this province. The comments that were received on that bill

have been heard, I am glad to say, and we now have a stronger bill. I hope the comments the member for St. George and I plan to make when we get to amendments will make it an even better bill than it is at this point.

Our object all sublime is to make the punishment fit the crime. I do not think the punishments in this bill are yet suitable. The principle enshrined in the bill is that the polluter should pay. That principle was written into the accord that was signed 18 months ago. I am glad it bears fruit in this legislation. The polluter must pay, and pollution must no longer be a crime that pays. The principle in this bill has to be that it is now a crime to pollute.

Ironically, back in the 14th century, the crime of air pollution was a capital offence. We seemed to go on a downslide. Until very recently, one got merely a slap on the wrist or a minimal fine for serious pollution offences. Today it is important that we recognize that penalties for degradation of our environment have to match not only the cost of installing equipment that will prevent further pollution but also the cost to the community at large of cleaning up much of the pollution that exists.

When we think that the cost of the cleanup of the Dow spill of perchlorethylene into the St. Clair River was more than \$600,000 to the Ministry of the Environment and more than \$300,000 to the Department of the Environment, we recognize that the maximum fines in the bill as presented are not nearly high enough to make it worth while for large corporations to be more careful than they have been in the past.

As well, when we get down to the details of debate on this bill, it is important that we install some minimum fine. We have to send a very clear message to the courts that a fine of \$100 or \$200 is not good enough. There has to be some minimum that sends the message that we in this Legislature recognize that pollution is a crime and that fines have to be significant.

I also hope the minister will accept an amendment to the whole question of the prohibition orders on which he enlarged in his remarks. It is unfortunate that in the bill as it now stands those prohibition orders can be asked for only by the ministry. That seriously weakens the bill. I will be moving an amendment in that regard.

In total, I support the principle in the bill. I welcome it and I hope we can get on to the details of the various clauses and make it a bill of which this province will be proud.

16:30

**Mr. McClellan:** I have been provoked into making a brief contribution to this debate by the minister's earlier remarks. I want to stress again that the only reason it was December 1986 before this bill was called for debate was that this was the earliest single moment that the government indicated it was ready to proceed with the bill. That is simply the fact. If the minister wants to dispute that, I challenge him to do so but I do not think he will.

The legislation in front of us appears to give the minister the power, for the first time in the history of this province, actually to enforce environmental protection measures and programs. It remains to be seen whether the act will be administered in that spirit.

I am the representative of a riding that has the misfortune to have been polluted with airborne lead contamination from the Toronto Refiners and Smelters for the past 15 or 20 years. The Ministry of the Environment has failed miserably, utterly and abjectly to deal with the problem of pollution by Toronto Refiners and Smelters. The ministry's failure has been so complete, its cop-out so abject and thorough that not only has it allowed Toronto Refiners and Smelters to continue to pollute despite the imposition of control orders in the 1970s, but it has also stood back idly and incompetently while a private citizens' organization went to the courts to try to enforce the laws of Ontario and to stop Toronto Refiners and Smelters once and for all from polluting our community.

I do not know what could be a more damning indictment of the Ministry of the Environment than the fact that private citizens were forced to take a notorious and proved polluter to court in an attempt to stop the pollution of their homes, schools and backyards while the Ministry of the Environment for the past 15 years has done less than nothing.

I raise this because the minister, who now has been in office for 18 months, has so far done even less than his predecessor George Kerr did before he was removed from office because of his attempt to get serious in that portfolio. The previous government—I have no illusions—was not interested in enforcement of environmental protection legislation. When Mr. Kerr made the serious political mistake of appearing to be serious, he was dismissed.

However, this minister has not solved the problem. As I have said a number of times in this assembly, ministry officials have provided inaccurate, misleading and false information to people in my community about the extent of lead



contamination over the course of the past five years; that is a matter of documented record. I believe the ministry withheld soil-testing data from the most recent lead study that was commissioned and released this fall. I believe the ministry withheld data from that study.

Once this bill has passed, I will wait with interest to see whether this minister will match his words with actions. We have been listening to his words now for 18 months.

As I stand here speaking in this debate, there is lead-contaminated soil in the Niagara Street neighbourhood of Bellwoods riding that has been sitting there under the noses of the Ministry of the Environment for the past three years, and the ministry has done nothing about it except to tell the residents there was no evidence of soil contamination in residential properties. That information they told to the community was false.

Toronto Refiners and Smelters continues to pollute. A citizens' group continues its endeavours to bring the polluter to heel by a private prosecution. I invite the minister, not necessarily this afternoon but before very long, to tell the people of this beleaguered community what he intends to do to stop the pollution, to remove the contaminated soil and to give our neighbours in the south end of central Toronto an assurance that they can live in their homes without the danger of lead poisoning.

**Mr. Haggerty:** On a point of order, Mr. Speaker: The honourable gentleman said the minister misled the House. I am sure he said that.

**Mr. McClellan:** I did not say that at all. For the record—and it is important that I make this clear—I did not say the minister misled, and the minister has not misled. I said officials who work in the Ministry of the environment had provided false and misleading information to people in my community. I have said that now on four separate occasions in this House. I believe it to be true. I would never impute that to the minister.

**The Acting Speaker (Mr. Morin):** That is what the member for Bellwoods said. I heard him very clearly.

**Mr. Newman:** I have a few comments concerning this legislation. I know everyone in the House is aware of the situation we have in the Windsor area, where our pollution comes in from the United States rather than originating in Windsor. I wonder what plans the minister has, and whom he has approached from the US jurisdiction, that is, the state of Michigan, about seeing that the state provides pollution control devices on incinerators in Michigan. We in the

Windsor area are sick and tired of breathing polluted Detroit air, which is adversely affecting many of the individuals in Windsor. I would like some remarks from the minister concerning what his ministry has done in this situation.

**The Acting Speaker:** Are there further questions and comments? Would the minister like to reply?

**Hon. Mr. Bradley:** I will try to relate it to the bill itself by saying that we in Ontario want to ensure through this kind of legislation that anyone in violation of those laws will be subject to the greatest of penalties.

**The Acting Speaker:** Order, please. I am sorry; it is my mistake. I should have asked for questions and comments on the statement of the member for Bellwoods.

**Mr. McClellan:** I will not take advantage of the situation.

**The Acting Speaker:** Does the member for Oshawa wish to comment?

**Mr. Breaugh:** Briefly, since the member for Bellwoods so eloquently put his case, I had thought the minister would want to respond to the very clear allegation that members of his staff gave out wrong information, and I await with some anticipation the minister's defence of his staff.

**The Acting Speaker:** Are there further questions and comments on the statement by the member for Bellwoods?

**Hon. Mr. Bradley:** It is sometimes difficult to relate the bill to some of the questions coming through. The member himself indicated he was not requesting that I engage in debate at this time over that matter. He has raised it in the House through a question. He has directed a letter to me. I am gathering evidence to provide a suitable reply to him. Perhaps in question period or at some other time I can deal with this matter, as the member has suggested I need not deal with it as this time. Having provoked the member once, I do not want to provoke him again to extend the length of time it takes to deal with this bill.

**16:40**

**The Acting Speaker:** Are there any other members who wish to participate in this debate? If not, the minister.

**Hon. Mr. Bradley:** I found the comments from both opposition critics and other members of the House who have made a contribution to be very useful. These comments have been helpful all along, not just this afternoon but throughout the length of time it has taken to develop the kind



of bill we all want to see in the House. The contributions made by opposition members and members on this side of the House, along with our ministry staff and environmental groups, individuals and the general public, have been most helpful. I will take into consideration the comments made by the opposition members as we proceed to clause-by-clause discussion of the bill.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

#### ENVIRONMENT ENFORCEMENT STATUTE LAW AMENDMENT ACT

Consideration of Bill 112, An Act respecting the Enforcement of Statutes related to the Environment.

**Hon. Mr. Bradley:** With the permission of the opposition, could we have the officials of the legal department of the Ministry of the Environment on the floor to provide counsel and advice to the minister?

**Mr. Chairman:** The minister has asked permission of the committee to have members of the staff in front of him. Does that have unanimous approval? No?

All those in favour will please say "aye."

All those opposed will please say "nay."

Permission has been given.

We have in front of us Bill 112, An Act respecting the Enforcement of Statutes related to the Environment. Are there any honourable members who wish to comment, question or move amendments? If so, to what sections?

**Ms. Fish:** I have placed on the table a series of amendments to the bill, beginning with section 10, section 12, section 34, section 36, section 41 and section 43. I believe the Clerk has those amendments before him.

**Mr. Chairman:** How about section 10?

**Ms. Fish:** That is the first section I noted.

**Mr. Chairman:** If I am to believe the paper in front of me, there are two amendments to section 12 and two to section 41.

**Ms. Fish:** That is right.

**Hon. Mr. Bradley:** I have an amendment to section 1 and several other amendments as well. I do not know whether you want to have the opposition notified of all the amendments I have coming, or do you want us to proceed by section?

**Mr. Chairman:** I want a list of the sections you wish to amend at this point.

**Hon. Mr. Bradley:** Section 1, defining adverse effects used in—

**Mr. Chairman:** I do not need the content, just the section, please.

**Hon. Mr. Bradley:** Section 5a, section 5b, section 8a, subsection 11(1), subsection 11(3), section 12, subsection 13(1), subsection 13(2), section 13a, section 14a, section 25, section 30, section 36, section 36a, two in section 41 and section 41a. I have 18 amendments to the bill.

**Mr. Chairman:** That is according to the list I have. Do any other members have amendments?

**Mrs. Grier:** I plan to move an amendment to section 10, two amendments to subsection 12(3), one each to subsection 13(2) and section 34, three to section 36, three to section 41 and one to section 43.

**Mr. Chairman:** For the help of the members and the table, might we have copies of those amendments?

Are there any other members who have comments, questions or amendments to the bill? If so, to what sections? There being none, let us stay in an orderly fashion, since there are probably 35 or 40 amendments.

On section 1:

**Mr. Chairman:** Mr. Bradley moves that section 1 of the bill be struck out and the following substituted therefor:

"1(1) Subsection 1(1) of the Environmental Protection Act, being chapter 141 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 52, section 1, is further amended,

"(a) by relettering clause (a) as (aa);

"(b) by adding thereto the following clauses:

"(a) 'adverse effects' means one or more of:

"(i) impairment of the quality of the natural environment for any use that can be made of it,

"(ii) injury or damage to property or to plant or animal life,

"(iii) harm or material discomfort to any person,

"(iv) an adverse effect on the health of any person,

"(v) impairment of the safety of any person,

"(vi) rendering any property or plant or animal life unfit for use by man,

"(vii) loss of enjoyment of normal use of property, and

"(viii) interference with the normal conduct of business;

"(ab) 'analyst' means an analyst appointed under this act;

“(cb) ‘document’ includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device.

“(c) in clause 1 by inserting after ‘municipality’ in the first line ‘as defined in this subsection.’

“(2) Section 1 of the said act is amended by adding thereto the following subsection:

“(3) A municipality that is convicted of an offence under this act is liable to the penalty provided for a corporation convicted of the offence.”

**Hon. Mr. Bradley:** Do you want me to go on to the next one, Mr. Chairman?

**Mr. Chairman:** No. Will you please speak to the amendment?

**Hon. Mr. Bradley:** I found it compelling as it was.

The motion replaces section 1 of the bill. The definitions of “analyst” and “document” remain the same. “Analyst” is used in section 4, which concerns the authority to appoint, and section 135, the official documents section in the act, which are re-enacted by sections 2 and 8 of the bill. “Document” is used in section 135 of the act, re-enacted by this bill. I should mention the parallel provisions of the Ontario Water Resources Act in section 14 of the bill, which applies to section 1 of the act, and the Pesticides Act, section 37 of the bill, section 1 of the act.

The new definition of “adverse effects,” which parallels the definition of “contaminant,” is added for use in a subsequent motion dealing with part X-A, Financial Assurance. The definition of “person” in subsection 1(1) of the act is amended to make it clear that regional municipalities are persons for all purposes of the act. Metro Toronto, for instance, was concerned that it was not a person for the purpose of part IX of the spills bill. Subsection 1(3) is added to remove any doubt that municipalities are subject to the corporate penalties and not the individual penalties.

Motion agreed to.

Section 1, as amended, agreed to.

## 16:50

**Hon. Mr. Bradley:** Mr. Chairman, would you like me to deal with all of the changes the original bill presented for the House or just the amendments?

**Mr. Chairman:** Just the amendments, please, and we will carry other sections as we go.

Sections 2 to 4, inclusive, agreed to.

**Hon. Mr. Bradley:** We should include section 5.

Section 5 agreed to.

**Mr. Chairman:** We have a new section 5a.

Mr. Bradley moves that the bill be amended by adding thereto the following section:

“5a. Clause 79(1)(a) of the said act is repealed.”

**Hon. Mr. Bradley:** The definition of “adverse effects” in part IX of the spills bill, as we call it, is repealed, as it would be duplicated by the new definition in section 1 of the act, which was made necessary by the use of the term in the new part X-A, Financial Assurance.

Motion agreed to.

Section 5a agreed to.

**Mr. Chairman:** The next amendment is a new section 5b, according to my record.

Mr. Bradley moves that the bill be amended by adding thereto the following section:

“5b. The said act is amended by adding thereto the following part:

“Part X-A, Financial Assurance.

“119a. In this part,

“‘Approval’ means program approval, certificate of approval or provisional certificate of approval, and includes a permit or approval issued by a director under the Ontario Water Resources Act, but does not include an approval under part IX of this act;

“‘bank’ means a bank named in schedule A or schedule B to the Bank Act (Canada);

“‘environmental measures’ means one or more of the measures set out in clauses 119b(1)(a) to (c);

“‘financial assurance’ means one or more of:

“(a) cash, in the amount specified in the approval or order,

“(b) a letter of credit from a bank, in the amount and term specified in the approval or order,

“(c) negotiable securities issued or guaranteed by the government of Ontario or the government of Canada in the amount specified in the approval or order,

(d) a personal bond accompanied by collateral security, each in the form, terms and amount specified in the approval or order,

“(e) a bond of a guaranty company approved under the Guaranty Companies Securities Act in the form, terms and amount specified in the approval or order,

“(f) a bond of a guarantor, other than a guaranty company, accompanied by collateral security, each in the form, terms and amount specified in the approval or order,

“(g) an agreement in the form and terms specified in the approval or order, and

“(h) an agreement in the form and terms prescribed by the regulations;

“‘Order’ means an order by the director under this act, and includes an order, notice, direction, requirement or report made by a director under the Ontario Water Resources Act, but does not include an order under section 119c, which is an order for performance of environmental measures of this act;

“‘Works’ means an activity, facility, thing, undertaking or site in respect of which an approval or order is issued.

“119b(1) The director may include in an approval or order in respect of a works a requirement that the person to whom the approval is issued or the order is directed provide financial assurance to the crown in right of Ontario for any one or more of,

“(a) the performance of any action specified in the approval or order;

“(b) the provision of alternate water supplies to replace those that the director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by the works to which the approval or order is related; and,

“(c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works.

“(2) A requirement under subsection 1 may provide that the financial assurance may be provided, reduced or released in stages specified in the approval or order.

“(3) The director may amend an approval or order to change a requirement as to financial assurance contained in the approval or order.

“119c(1) Failure to provide financial assurance specified in an approval or in accordance with a stage specified in an approval is grounds for revocation of the approval and for an order in writing by the director prohibiting or restricting the carrying on, operation or use of the works in respect to which the financial assurance is required.

“(2) Failure to provide financial assurance specified in an order or in accordance with a stage specified in an order is grounds for an order in writing by the director prohibiting or restricting the carrying on, operation or use of the works in respect of which a financial assurance is required.

“119d(1) Upon request, part or all of the financial assurance given in respect of a works

may be returned or released pursuant to an order in writing by the director.

“(2) The director may make an order mentioned in subsection 1 if satisfied that the financial assurance returned or released is not required in respect of the works.

“119e. The director may convert a financial assurance to cash to be held by the crown to the same purposes as the financial assurance or otherwise realize the financial assurance unless the financial assurance is renewed at least 30 days before it would otherwise expire.

“119f(1) In the circumstances set out in subsection 2, the director by order may require the performance of environmental measures for which the crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures.

“(2) The director may make an order mentioned in subsection 1 if the director has reasonable and probable ground to believe that any environmental measure required by the approval or order in respect of which the financial assurance was given has not been or will not be carried out in accordance with the requirement.

“(3) An order under this section shall be directed to the person to whom the approval or order under section 119b (financial assurance) was issued or directed and to any person that to the knowledge of the director has provided the financial assurance for or on behalf of the person to whom the approval or order was issued, or shall be directed to the successor or assignee of any such person.

“(4) Upon the issuance of an order by the director under subsection 1, the crown may,

“(a) use any cash;

“(b) realize any bond or other form of security, and use the money derived therefrom; and

“(c) enforce any agreement, provided or obtained as the financial assurance for the performance of the environmental measures and may carry out the environmental measures.”

**Hon. Mr. Bradley:** This part enables a director, when issuing an order for approval under the Environmental Protection Act or the Ontario Water Resources Act, to require the person to whom the order or approval is issued to post financial assurance to ensure that specified actions are taken.

#### 17:00

Financial assurance may take one or more of a variety of forms, including cash, letters of credit, negotiable securities, bonds or other agreements. The specified actions could include the provision



of alternative water supplies or post-closure cleanup or maintenance, as well as anything else that could be provided for in an order or approval under the Environmental Protection Act or the Ontario Water Resources Act.

Section 119a is simply definitions. Section 119b is an authority to require financial assurance. Section 119c states that failure to provide financial assurance can result in revoking an approval or prohibiting or restricting carrying out or continuing with the works or other operation. Section 119d sets out that financial assurance may be returned in whole or in part where no longer required.

Section 119e states that where documentary financial assurance is not renewed, the director may convert it into a cash deposit. Section 119f provides that if the director determines that the matters for which the financial assurance has been received are not being carried out, he may order that they be carried out and use all or part of the financial assurance for such purposes.

I am told that is sufficient explanation.

Motion agreed to.

Section 5b agreed to.

Sections 6 to 8, inclusive, agreed to.

**Mr. Chairman:** I believe the minister has a new section 8a.

On section 8a:

**Mr. Chairman:** Mr. Bradley moves that the bill be amended by adding thereto the following section:

"8a. Section 136 of the said act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23, is further amended by adding thereto the following subsection:

"(9) The Lieutenant Governor in Council may make regulations relating to part X-A prescribing requirements for financial assurance in respect of the classes of approvals or orders specified in the regulations."

Motion agreed to.

**Hon. Mr. Bradley:** The new subsection 136(9) of the act authorizes regulations prescribing requirements for financial assurance under part X-A, Financial Assurance, enacted by section 5b above with respect to particular types of approvals or orders.

Motion agreed to.

Section 8a agreed to.

Section 9 agreed to.

On section 10:

**Mr. Chairman:** Ms. Fish moves that subsection 144(2) of the Environmental Protection Act

as set out in section 10 of the bill be amended by striking out "upon application by counsel or agent for the minister" in the first line and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

Perhaps I should mention that the amendment to section 10 of the member for Lakeshore (Mrs. Grier) reads the same. It is apparently a joint amendment.

**Ms. Fish:** This is the first of several identical amendments it is my intention to move to various sections of the bill. They are all targeted to the same basic principle, which is to remove the requirement for ministerial approval for prosecutions and to make it possible, as the wording indicates, for an action to be taken under the act by other than the ministry.

The amendment is very straightforward. I am pleased with the support already indicated by my colleague in the third party and sincerely hope the minister will join us in supporting this amendment.

I note in passing that a similar amendment was brought forward many years ago by the former government, having had some experience with the more limited requirement of ministerial approval prior to prosecution, to provide just such an opportunity.

**Mrs. Grier:** I would like to explain to the members the effect of not adopting the amendment proposed by the member for St. George (Ms. Fish) and supported by myself. As the bill now reads, or as the minister would have it read, a prohibition order to cease and desist the action against which a conviction has been registered could be asked for only by the ministry. The courts on their own initiative could not issue such an order.

An individual citizen who had brought a prosecution by virtue of the fact of pollution and who had obtained a conviction would not be in a position to ask the court to order the polluter to stop his actions. That seriously undermines the principle of the bill.

In the second reading debate, the member for Bellwoods (Mr. McClellan) cited the Toronto Refiners and Smelters case, in which a citizen had to bring an action. Under this legislation, that citizen would not be able to ask the court to issue an order urging prohibition of any further pollution. He would be dependent upon the ministry seeking such a prohibition order. Surely a citizen would have taken the action of initiating a prosecution only if the ministry was proving derelict. It thus seems to be contradictory to say

that the power to ask for prohibition orders lies only with the ministry.

In 1971, when the first Environmental Protection Act was brought in, the government of the day initially tried to write it in such a way as to prevent municipalities or individuals from initiating prosecutions. The adverse reaction was such that the government reversed itself, and that act now allows the municipality or an individual to initiate a prosecution.

The effect of what the minister is doing today would be to prevent that person from carrying that prosecution to its final conclusion. It would make any party other than the ministry a second-class party in such court actions. It is significant that the suggestion that this amendment be moved came from those who were asked to comment on the bill as originally drafted by the minister. The minister has made much of the fact that he listened to the comments and criticisms. He happens to have ignored this particular one, which is why we are bringing it to his attention today.

The Municipal Act, the Planning Act and the Fisheries Act all allow an individual to ask for prohibition orders. It is important that the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act, which are before us today, follow the same route.

The minister is probably going to say the citizen is not aware of the practicality of the implications of what he is suggesting. The minister is attempting to leave it in the framework of negotiation, as control orders are now negotiated, and taking the position that only the ministry knows enough to ask for these prohibition orders. I cannot accept that. This amendment would prevent that from being the case. I hope the minister will see the error of his ways and allow us to be unanimous on this section as we are on so many of the amendments he is moving.

**Hon. Mr. Bradley:** The members want to know why we did not include this in the original bill or in the amendments we brought forward. There are some reasons.

17:10

The members have made some interesting comments about the potential for private action by individuals in Ontario. However, concerns have been raised that some of the suggestions that could be made in dealing with this—I recognize the court ultimately must rule on them—could be impractical. They might not be the most cost-effective provisions that might be implemented, yet a court might accept them. By taking one

form of action, they might create another more difficult problem.

People might say the chances that this would happen are remote, but for instance, it could take some form of water pollution and there could be certain activity that would produce an air emission that could have an adverse impact on air quality. It is a complicated, technical situation. In those circumstances, we could end up worse off.

It would also allow successful prosecution in some cases to shut down a company in certain circumstances. The ministry is not averse to that if the circumstances require it. There is also the provision that people could make representations to ministry officials in cases where the ministry is involved, asking that they give consideration to requesting the court to take certain actions.

I understand why the members have put this forward and I know there have been some representations. The member for Lakeshore suggested I ignored this. I assure her I ignored none of the representations made to me; I tried to weigh them in the view of what was most effective in carrying out the provisions of this bill. In no case do I want to err on the side of not being most effective. My officials have indicated to me there are dangers that the action we might take might not be as effective as we would like. It is not a matter of the opposite way. Some of the suggestions, as I have indicated, could be impractical or totally cost-ineffective, create another problem or even be counterproductive.

Those were the concerns raised about it. I recognize that both members have made a case that is popular in some respected quarters. Perhaps there will be further comments from other members of the House in this regard.

I can tell the members we will be dealing in section 12 with specific requirements referring to abatement. Perhaps we can provide some further clarification at that time; for instance, prohibitions against repetition. We will be discussing this as we go along. I do not know whether others have comments, particularly those with a legal background.

**Ms. Fish:** I think the minister is expressing the undue caution and overprotectiveness that the excellent legal staff in the ministry is occasionally wont to offer by way of advice to the minister.

I do not think the illustrations he has given on this first of a series of amendments, which none the less is the primary one for discussing the purpose of moving them, really stand up. He said himself the matter would be dealt with and decided by a court. I have every confidence in the



officials of his ministry, as I am sure he does himself, that they would come forward should any such action be brought into play.

I consider that the moves to broaden the coverage and to strengthen and make more stringent the penalties to be applied are only natural in having as their complement an opening of opportunity and a logical extension of opportunity to take action for those other than the minister or the minister's direct agent. With the greatest confidence in his staff to be able properly to advise him or any successor in any such action to come forward, I hope he will show some confidence in the public of Ontario and permit it the opportunity to participate as well.

**Mrs. Grier:** The minister has painted the worst-case scenario if ever there was one. The burden of his argument seems to come down to the fact that his officials have warned him against this section of the bill. I suspect there are many things the minister has done that his officials have warned him against and many sections of this bill that might not have had the full support of his ministry. Presumably if the ministry had been in full support of all the minister is trying to do, we would not have had to wait until today. Frankly, I do not accept that kind of argument.

It is also cogent to note that presumably the officials from his ministry would be in court when the request was made to the court to issue this kind of prohibition and at that time could present their arguments that the injunction being sought would have some side-effects even more onerous than the shutting down of the pollution the conviction has been registered against. I find the minister's arguments rather hollow.

**Hon. Mr. Bradley:** I want to indicate to the member for Lakeshore that if private actions were being taken, the ministry would not necessarily be in the court at that time. That is one of the concerns.

Members have made a compelling argument on section 10. Perhaps it would be reasonable that we amend this to ensure there was notice to the ministry so that ministry staff could be in court when this happened. Perhaps that will solve the problem. The member for St. George said it would be highly unlikely that in a specific case the ministry would not be available for court, but if we could ensure in an amendment that the ministry had notice, that would be quite helpful.

In fact, because section 10 deals with issuing a restraining "order prohibiting the continuation or repetition" of the offence, it is acceptable to me that this amendment should go through. I would

like, however, to put in a provision to ensure that notice is given to the ministry.

**Ms. Fish:** I am pleased to hear the minister has agreed to adopt this amendment. Surely the minister's staff in its entirety or, at the very minimum, those fine minds within the legal section, are capable of monitoring actions in the court and reading legal notices.

**Mr. McClellan:** I am sure the most compelling argument is that the minister realizes this amendment is going to pass because it is supported by the two opposition parties, which have a majority in the assembly.

**Hon. Mr. Bradley:** We have loud voices over here, though.

**Mr. McClellan:** There are other ways of voting if push comes to shove.

It seems to me the point the member for St. George makes is self-evident. Surely even ministry officials have the wit to be aware of private prosecutions of polluters in the provincial court system. Again, it is absolutely essential that this amendment carry in order that the kind of fiasco that has taken place around Toronto Refiners and Smelters never recurs. Because of its performance during the past 10 years, his ministry has forfeited the kind of trust that many other regulatory agencies take for granted.

I caution again about any amendment requiring notice, lest the notice—I know the minister is getting a blizzard of advice from his officials and it is difficult for him to follow the debate, but the notice provisions must not permit the Ministry of the Environment to postpone or delay litigation in order that it be accommodated in terms of its own schedules.

If the minister and his officials are attempting to draft an amendment to the amendment that would permit the ministry to torpedo private prosecution by virtue of its inability to schedule its attendance, the minister can forget it. If he is saying his officials are sufficiently out of touch that they require special notice, he can draft something and put it into the amendment.

**17:20**

**Mrs. Grier:** I agree with the member for St. George. The notice is very public. Other sections of the bill provide for ample notice to the public and to any interested party. I would assume that if a private citizen had brought an action in a matter concerning the environment, the Ministry of the Environment officials would be aware of it and would monitor the court case. The amendment should stand as is.



Motion agreed to.

Section 10, as amended, agreed to.

On section 11:

**Mr. Chairman:** Mr. Bradley moves that subsection 146(1c) of the Environmental Protection Act, as set out in subsection 11(1) of the bill, be struck out.

**Hon. Mr. Bradley:** Subsection 146(1c) of the act, the general offence provision, is replaced by three subsections setting out the general offences under the act; that is, contravention of the act or the regulation. Subsection 1a covers failure to comply with an order and subsection 1b covers failure to comply with terms and conditions and approvals, licences and permits.

Motion agreed to.

**Mr. Chairman:** Mr. Bradley moves that subsection 146(4) and (5) of the Environmental Protection Act, as set out in subsection 11(3) of the bill, be struck out and the following substituted therefor:

"(4) Where a corporation is convicted of an offence under subsection (1), (1a) or (1b), the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (3)."

**Hon. Mr. Bradley:** The new subsections 146(4) and 146(5) of the act are struck out of subsection 11(3) of the bill and replaced with a higher corporate penalty. Currently, it is \$5,000 and \$10,000. In the July 1986 version, that proposal was \$10,000 and \$20,000. Under the new proposal, it is \$25,000 on a first conviction and \$50,000 on a subsequent conviction. The subsequent conviction provision originally in subsection 146(5) is dealt with in the next section as section 146aa of the act. It is simply increasing numbers.

Motion agreed to.

Section 11, as amended, agreed to.

On section 12:

**Mr. Chairman:** Mr. Bradley moves that section 146a of the Environmental Protection Act, as set out in section 12 of the bill, be struck out and the following substituted therefor:

"146a. (1) Every corporation convicted of a contravention of subsection 13(1) or 119(1) is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than \$50,000 on a first conviction and not more than \$100,000 on each subsequent conviction and not as provided in section 146.

"(2) Every person convicted of a contravention of subsection 13(1) or 119(1) is liable, in addition to or in substitution for the penalties set out in subsection 146(3), to imprisonment for a term of not more than one year.

"(3) Subsection (2) does not apply unless the court is satisfied that the person was notified, before entering his or her plea, that a penalty would be sought under subsection (2).

"146aa. For the purposes of determining the penalty to which a person is liable under subsection 146(3) or (4) or under subsection 146a(1), a conviction of the person for an offence under this act is a subsequent conviction if the person has previously been convicted of an offence under,

"(a) this act, other than for an offence related to part VII (Sewage Systems) or part VIII (Litter);

"(b) the Ontario Water Resources Act, other than for an offence related to subsection 44(2) or sections 45 to 48 (plumbing) of that act; or

"(c) the Pesticides Act."

**Mrs. Grier:** I have a further amendment to this section.

**Mr. Chairman:** Mrs. Grier moves that subsection 146a(1) be amended by striking out the words "not more than \$50,000 on a first conviction and not more than \$100,000 on each subsequent conviction" in the fifth, sixth and seventh lines and inserting in lieu thereof, "not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction."

Will the committee please recognize that this is an amendment to the minister's amendment. We will deal first with the amendment to the amendment.

**Mrs. Grier:** My purpose in making this amendment is to insert a minimum fine into the legislation. I have similar amendments for the other two pieces. The amounts I have chosen of \$2,000 and \$4,000, on a second offence, are similar to the minimums that are already in the bill for offences in the case of liquid industrial hazardous waste. I insert them only into the section provided for corporations. The effect would be to make the minimum fines that are in other sections of the legislation common to those sections where corporations are involved.

The purpose is to make sure the courts get a very clear message that a nominal fine is not good enough. I do not think the amount of \$2,000 is excessive when, let us remember, we are talking about (a) a corporation and (b) an offence

involving hazardous liquid industrial waste. There has to be a very clear recognition that this is a serious offence. A minimum fine does that, and I hope it may find support.

**17:30**

**Hon. Mr. Bradley:** One of the matters raised by more than one individual or organization at the time of the original bill was the concern about the lack of minimums. I canvassed the Ministry of the Environment legal staff and tried to determine what would be most effective in getting convictions in the courts. One of the cautions placed before me was that judges generally dislike minimum fines. Maximum fines do not seem to pose a problem for them, but minimum fines do.

A concern was raised as well that if a person had violated a law in a minor way and there were a minimum fine, the judge might tend not to register a conviction. Therefore, the next time around—and I was thinking of United States cases.

**Mr. McClellan:** It is a comment on our judicial system.

**Hon. Mr. Bradley:** It may well be, as the member points out, a comment on the judicial system. I can think of cases, for instance, where possession of marijuana in various jurisdictions was considered a seven-year minimum sentence.

**Mr. O'Connor:** Never.

**Hon. Mr. Bradley:** Was that not the case in the United States? Society in that jurisdiction decided the offence did not merit that sentence. For that reason, judges, reflecting society, would not register a conviction against a person.

That concern arises in certain environmental cases where the person is in violation, and it may be a relatively minor violation, but we would, nevertheless, like to see a conviction registered. If the judge chose not to register a conviction because it was a minor violation, then the second time that person committed an offence, in our opinion as the ministry and prosecution, if he was not convicted the first time, he would be subject to only the first-time-around fines, whereas if he had been convicted for the minor offence, without that minimum in there, he would be subject to the second-time-around conviction, the subsequent conviction, in other words.

This was one of the reasons that, when faced with this, we wanted to be most effective. As a layperson, I was always under the impression that it was great to have minimums in there because it would force the courts to register convictions and to provide at least a minimum

fine. The legal experts I talked to, who were involved in prosecutions, said the opposite might be the effect. That was one of the compelling reasons we did not include it in the original legislation.

Some suggest that the requirement for a minimum fine is, in effect, a vote of no confidence in the courts. That is what many in the legal field put forward as an argument. It suggests that the courts are now imposing fines that are less than the offence is worth. We do not agree that this is the case except where the maximum is too low. That opinion is advanced by people who have to deal on a daily basis with prosecutions.

Minimum fines also do not take into account the totality principle. Where there are convictions for several offences, it is not the fine on each offence that matters but the total amount levied. As I have pointed out, the courts resent minimum fines, as judges feel they are in the best position to judge the appropriate penalty. They may even acquit rather than be bound by minimum finds, as I have indicated.

We are always into the Charter of Rights now. The Attorney General (Mr. Scott) and the opposition critics in the justice area probably understand the Charter of Rights well enough to know, but every time we turn around, something is being challenged under the Charter of Rights. One argument that has been put forward is that if one applies the minimum fines only to corporations, they may claim this is discrimination under the Charter of Rights. It seems anything is subject to the Charter of Rights.

However, I am interested in hearing what members have to say in this matter. I am intrigued that the member has advanced the case for minimums only in specified areas, as opposed to across the board, which I think is less inclined to provoke the kind of reaction I have suggested. Members of this House may well decide the amendments are worthy of support.

**Mrs. Grier:** I have a question of the minister. Having heard his very eloquent argument in opposition to minimum fines, can I ask him to turn ahead not to the next but to the amendment after that, which he will be moving, and look at the wording in subsection 2?

It says, "Where a corporation is convicted of an offence referred to in subsection 1...to a fine of not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on a second conviction."



Given all the arguments he has just advanced in opposition to minimums, why is the minister moving for them in that section?

**Hon. Mr. Bradley:** In those cases, there is an existing minimum, and it would be a wrong signal to the courts if one were to cut out an existing minimum. The member will understand that. If a minimum is already contained in the legislation and one moves to take it out, then in that case, the courts might get the wrong signal. That is the reason for that provision.

As I say, I am interested. The member says I make a sterling defence of no minimums. What I have done is expressed to the House the reasons that have been brought to my attention on why, across the board, minimums might not be as beneficial as we would like. I commend the member on confining the minimums to specific areas. I think the member for St. George (Ms. Fish), who will speak herself, will agree confining it to certain areas makes it much more palatable and sensible than if it had been applied across the board.

**Ms. Fish:** I share some of the concerns that have been advanced in certain pieces of legislation about automatic minimum fines or, in certain other areas, automatic minimum sentences. I have heard the cautions the minister shared with us this afternoon, if not in that precise form, then in similar wording and similar ways.

However, the minister has anticipated my remarks, because in bringing forward this motion to deal with minimum fines, the member for Lakeshore (Mrs. Grier) has done exactly what I think makes it quite acceptable and compatible with what is already in the bill, and that is to confine those minimums to a fairly narrow selection of cases. That makes considerable good sense and would complement those other sections of the bill that already have a minimum in them.

I should also note that when we speak about some narrow cases where the focus is on corporate polluters, where we are particularly dealing with dangerous and hazardous materials, as we are with liquid industrial waste, the courts are well able to appreciate not only the severity of the offence, but would also receive strong submissions from the ministry and other interested parties on any such charges that might be brought forward. In this sort of case, the minimum proposed by the member for Lakeshore would be appropriate, and we would be pleased to support it.

Motion agreed to.

17:40

**The Deputy Chairman:** Will there be further discussion on the minister's amendment as amended?

**Hon. Mr. Bradley:** No. It is fairly clear, Mr. Chairman, and if the members do not require any further clarification, I agree that we could proceed with it.

Motion agreed to.

**Mr. Chairman:** Ms. Fish moves that subsection 146c(1) of the Environmental Protection Act, as set out in section 12 of the bill, be amended by striking out "upon application by counsel or agent for the minister" in the first and second lines and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

**Ms. Fish:** I simply note that this is the next in the series of amendments I had indicated it was my intention to move. We already discussed the basic content in dealing with an identical amendment to section 10 of the bill. Therefore, I will not take the committee's time to repeat the arguments now. The basic set of arguments that I advanced at that time still stand.

**Hon. Mr. Bradley:** Whereas in section 10 I think it is much less complicated, the concern I expressed in section 10 was more directed to section 12 than to section 10. Again, when we get into the specifics that we see in 12, it is a little different circumstance. We see situations where actions could be asked of the courts, and if the courts were to follow those actions, they might well be detrimental.

I know in section 10 it was a matter of prohibitions and a cease-and-desist type of situation, so it was more straightforward and clear-cut. There is a concern here that some of these stipulations could be put in by a court and just be totally impractical in view of the options that are available there.

I know the Attorney General has expressed some concern about this, and perhaps I will let him elaborate on this matter.

**Mrs. Grier:** I find the minister's argument difficult to believe. I assumed that, having accepted the principle in section 10, any person party to an action could upon conviction ask for a prohibition order and that the principle had been enshrined in all the legislation before us today.

I point out to the committee that the section we are now dealing with allows somebody to call for an order to protect and restore the natural environment. It would seem to me it is even more important in this section that anyone who is party



to the action, and who has gone to the trouble of issuing a prosecution and getting a conviction, should be able to ask for a court order. How it could be impractical to protect and restore the natural environment, I find it difficult to see.

**Hon. Mr. Scott:** Again acknowledging that my interest in this issue is relatively recent, what the proposed amendment does, as I understand it, is that without reference to the ministry it permits the application to be made by counsel or agent for essentially an abatement order; that is, an order directing the person to take action to prevent, decrease or eliminate the effects on the natural environment of the offence and to restore the natural environment within the period or time specified in the order.

Leaving aside the restoration order, which is in the nature of a repair order and about which the point of the member for Lakeshore may be well taken, the first part of that order permits the direction of an abatement to prevent, decrease or eliminate the effects on the natural environment. That could, for example, permit a private prosecutor to apply to a judge for an order to build a tall smokestack, to tear down a factory or to do a number of things, all without reference to the ministry, which would not be a party to the proceedings.

Honourable members are confident, perhaps more confident than I, that courts do not make those kinds of silly orders. I invite any member to come and look at my catalogue of recent court orders before drawing a fixed conclusion on that subject. The reality is members are inviting our courts to make orders, presumably in the public interest, of the most significant kind.

For example, it would be open for a court to make an order under this section to close down a business and fire or release its employees, to construct premises or to tear down premises if those things have the effect of preventing, decreasing or eliminating the effects on the natural environment. The trouble is, once an order is made that the following work at the following factory can no longer be done, it is no longer in the power of the Legislature to change that around, because the only way it can be changed around is by appeal.

That is what this amendment is allowing the court to do on the request of an individual without reference to the ministry. The interesting thing is that members are proposing to allow a court to do it without giving the court any expertise with which to make the judgement. The court does not have available the scientific or other expertise of the ministry, of Pollution Probe or of any of those

things. All the court has available is the information provided by the informant, his counsel or agent and the accused.

When we are looking at orders of a permanent nature that cannot be modified by the ministry or the Legislature, that can be modified only by a subsequent court proceeding but that can have major effects in economic and in environmental terms, that should be done only when the ministry is, at the very least, party to the proceedings, to allow the public view of what is appropriate to be advanced.

Honourable members will know, for example, that at a certain time in Sudbury there were those who thought Inco should be closed down; that is, stopped from producing nickel until some solution for the environmental impact of what it was doing was developed. The people who thought Inco should be closed down for five years at one time I think included the then member for Sudbury, now unhappily deceased. The judgement about whether the industry should be closed down or the abatement order made in that form has major implications for the economy of the community. That kind of decision should be made, not by a judge—even the best intentioned and most scholarly judge—but by political ministers and legislative assemblies.

If one wants to punish polluters—and I have no problem with that; I support the modest fines and imprisonment the minister has directed—

**Mrs. Grier:** Modest?

**Hon. Mr. Scott:** I am being facetious; I think they are exactly right. If you want to punish polluters, I have no problem with that, but are the members going to allow the courts to decide the standards of abatement? The honourable members may have that kind of confidence in an uninstructed court without expertise; I do not. Frankly, I think it is a very dangerous precedent and, if passed, the Legislative Assembly will sooner or later rue the day it gave to a court this extraordinary power, which will then be very difficult to recall.

**17:50**

**Mr. McClellan:** The Attorney General may see this as giving the court power. Some of us see it as giving the community and citizens the opportunity to take action when the ministry fails to do so. I come from a community in which is located Toronto Refiners and Smelters, which I have said for the third time had to be prosecuted privately by a group of citizens because of the utter, abject failure of the Ministry of the Environment to assume its responsibilities.

The problem is that there is no history of trust that can be drawn on to assure us or our constituents that the Ministry of the Environment will accept its responsibilities. I say to the Attorney General and to the government that until that trust is demonstrated with vigorous prosecutions, I am afraid the government is going to have to give our constituents an opportunity to exercise their rights. Because of the visible public record that stands as a warning to many communities that government and bureaucracies have failed and cannot and should not be given the unique trust, I see no alternative.

**Mr. O'Connor:** In his inimitable fashion, the Attorney General has painted the worst scenario, the-sky-is-falling situation, to convince us of the inappropriateness of this amendment. I find surprising, coming from the Attorney General, the chief law officer of the crown in Ontario, the abject lack of faith he is demonstrating in our judges and our court system.

Does he not understand that judges will listen to evidence, will listen to the facts in a particular circumstance, are well able to interpret sections of the statutes that we pass and will be fair, just and equitable in imposing penalties, fines or abatement orders as the case may warrant? He should have more faith in our system than to dismiss out of hand, in the way he has done, the possibility of drastic results coming from the fact that the almighty ministry is not there to properly instruct our poor, woebegone, ignorant judges of their duties and responsibilities in this regard.

The Attorney General will also know that should a decision be made that has drastic consequences, perhaps beyond what was anticipated by any of the litigants, there is available to them very quickly the appeal process. There are available to them on several days' notice, if it is that drastic, rights of appeal and rights of intervener by the ministry and officials of the Ministry of the Attorney General to attempt to redress the so-called wrong that has been imposed by an uninstructed judge.

On balance, the much greater effect and good to come of this is as indicated by the member for Bellwoods. It far outweighs the possibility of the drastic scenario portrayed by the Attorney General.

In cases where there are large corporate interests or significant polluters involved in a case that has been brought by a private citizen, the ministry is going to be well aware of those circumstances. If we are going to be dealing with the stack at Sudbury or a plant producing lead in the west end of Toronto, the ministry will already

be aware of that circumstance and will have monitored the situation and the charge to that point and will have had its input into the process.

The scenario he portrays of some judge acting on his own without the ministry knowing and producing the drastic results he forecasts is highly unlikely to happen. If it does happen, we have the appeal process, which has worked effectively. I suggest the minister should have more faith in the courts of our province to adjudicate these matters in a responsible, fair manner.

**Hon. Mr. Scott:** I want to respond to the member for Bellwoods and, in passing, also to the member for Oakville (Mr. O'Connor). This is not a failure of confidence in the courts. This is a recognition, born of hard experience, of what things the courts do well and what things they do particularly badly. The courts do not do everything and they do not do all things well. Within an ambit that is traditional for them, they perform admirably. They are neither equipped nor trained to deal with essentially social, political and economic issues. Under the charter, we are learning how difficult it can be for judges who have no expertise and no training to deal with issues such as mandatory retirement which have not only civil rights connotations but also economic connotations.

My view about the role of the courts is not that I lack confidence in them, but that I lack confidence in what they are trained and able to do. I would not ask them to do things, and would fear if they were authorized to tread, where they had no experience, training or expertise. That is the first point.

Second, the member for Bellwoods makes the point very compellingly that in the past—he may even bring it up to the present—the ministry has been not responsive to the concerns of his constituents. Let me for the moment assume that is the case. I do not know enough about the merits of the issue to make a judgement, but let us assume that, because that is the evil he wants us to deal with.

When there is a failure in the political system, which is the failure he describes—an unresponsive ministry, or perhaps an unresponsive minister in certain instances—one does not respond to that by giving the power to a court. One responds to that in the traditional political way. In my respectful view, one of the greatest dangers we face in our political responses is that as we see the weaknesses of the political system, instead of repairing the political system, particularly in Ontario, we tend to say, "We will let a court do

it." Whether the issue be conflict of interest or what have you, the response to all our problems is, "Let a lifetime-appointed judge do it."

I want to tell the members how many letters I get every day from citizens in the province who have confronted the fact that judges have been allowed to do it. In cases where the judge is operating within his traditional territory, the level of performance is very high. I have great confidence in them, but as we impose on them obligations they are not equipped to fulfil, they respond as if they are not equipped to fulfil them.

It seems to me the solution is relatively simple. If an application is made, why is it not possible to have the application made upon notice to the ministry? We recognize that the ministry should be able to make the very application and tell the judge why. Why do we not say, "This application shall be made on notice to the ministry"?

I think, as a matter of principle, that a serious difficulty is before us. I would be uncomfortable enacting as a piece of legislation this major grant of power to a court, which we will not be able to reverse.

**Mrs. Grier:** Having listened to the Attorney General, I wonder why we have the courage to have a bill at all. We are going to be leaving it to the courts to make some decisions about the environment. I submit that if we had been happy with what the courts had done in the past, perhaps we would not have needed this legislation today. I fail to understand the great concern on this section of the bill. The Attorney General is ignoring the fact that there are some safeguards.

On motion by Hon. Mr. Nixon, the committee of the whole House reported progress.

The House adjourned at 6 p.m.

## ERRATUM

No.	Page	Column	Line	Should read:
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<b>546672 Ontario Limited Act, Bill Pr55, Mr. Cousens, agreed to . . . . .</b>				<b>3301</b>



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Baetz, R. C. (Ottawa West PC)  
Bradley, Hon. J. J., Minister of the Environment (St. Catharines L)  
Brandt, A. S. (Sarnia PC)  
Breaugh, M. J. (Oshawa NDP)  
Callahan, R. V. (Brampton L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Cousens, W. D. (York Centre PC)  
Curling, Hon. A., Minister of Housing (Scarborough North L)  
Edighoffer, Hon. H. A., Speaker (Perth L)  
Elston, Hon. M. J., Minister of Health (Huron-Bruce L)  
Ferraro, R. E. (Wellington South L)  
Fish, S. A. (St. George PC)  
Foulds, J. F. (Port Arthur NDP)  
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Gordon, J. K. (Sudbury PC)  
Grandmaître, Hon. B. C., Minister of Municipal Affairs (Ottawa East L)  
Grier, R. A. (Lakeshore NDP)  
Grossman, L. S. (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Harris, M. D. (Nipissing PC)  
Hayes, P. (Essex North NDP)  
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Johnston, R. F. (Scarborough West NDP)  
Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
Martel, E. W. (Sudbury East NDP)  
McCague, G. R. (Dufferin-Simcoe PC)  
McClellan, R. A. (Bellwoods NDP)  
McLean, A. K. (Simcoe East PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Morin, G. E., Deputy Chairman of the Committees of the Whole House and Acting Speaker (Carleton East L)  
Morin-Strom, K. (Sault Ste. Marie NDP)  
Newman, B. (Windsor-Walkerville L)  
Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
O'Connor, T. P. (Oakville PC)  
Philip, E. T. (Etobicoke NDP)  
Pope, A. W. (Cochrane South PC)  
Rae, R. K. (York South NDP)  
Reville, D. (Riverdale NDP)  
Riddell, Hon. J. K., Minister of Agriculture and Food (Huron-Middlesex L)  
Scott, Hon. I. G., Attorney General and acting Solicitor General (St. David L)  
Shymko, Y. R. (High Park-Swansea PC)  
Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development (York North L)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)  
Treleaven, R. L., Deputy Speaker and Chairman of the Committees of the Whole House (Oxford PC)  
Van Horne, Hon. R. G., Minister without Portfolio (London North L)  
Villeneuve, N. (Stormont, Dundas and Glengarry PC)  
Warner, D. W. (Scarborough-Ellesmere NDP)  
Wrye, W. M. (Windsor-Sandwich L)





No. 82

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Wednesday, December 17, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 17, 1986

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### EQUALITY RIGHTS LEGISLATION

**Mr. Eves:** On Tuesday, December 16, Bill 7 was passed in the Ontario Legislature. At this time I would like to read into the record the names of the following Progressive Conservative MPPs who were opposed to subsections 18(1) through 18(5) of Bill 7 and to the process by which that section was incorporated into the bill:

The members for Lincoln (Mr. Andrewes); Durham West (Mr. Ashe); Cambridge (Mr. Barlow); Ottawa South (Mr. Bennett); Kenora (Mr. Bernier); Sarnia (Mr. Brandt); York Centre (Mr. Cousins); Durham East (Mr. Cureatz); Scarborough Centre (Mr. Davis); Wentworth (Mr. Dean); Parry Sound (Mr. Eves); Sudbury (Mr. Gordon); Mississauga East (Mr. Gregory); Cornwall (Mr. Guindon); Nipissing (Mr. Harris); Fort William (Mr. Hennessy); Burlington South (Mr. Jackson); Wellington-Dufferin-Peel (Mr. J. M. Johnson); Algoma-Manitoulin (Mr. Lane); York West (Mr. Leluk); Mississauga South (Mrs. Marland); Armourdale (Mr. McCaffrey); Dufferin-Simcoe (Mr. McCague); Eglinton (Mr. McFadden); Elgin (Mr. McNeil); Muskoka (Mr. F. S. Miller); Carleton (Mr. Mitchell); Brock (Mr. Partington); Rainy River (Mr. Pierce); Hastings-Peterborough (Mr. Pollock); Cochrane South (Mr. Pope); Simcoe Centre (Mr. Rowe); Leeds (Mr. Runciman); Northumberland (Mr. Sheppard); High Park-Swansea (Mr. Shymko); York Mills (Miss Stephenson); Carleton-Grenville (Mr. Sterling); Durham-York (Mr. Stevenson); Prince Edward-Lennox (Mr. Taylor)—

**Mr. Speaker:** The member's time has expired.

### PAY EQUITY LEGISLATION

**Ms. Gigantes:** On June 5, I asked the Premier (Mr. Peterson) for a commitment that legislation providing equal pay for work of equal value would benefit all women in this province. I quoted the brief of the Chinese Canadian National Council for Equality, which stated, "To

apply size restrictions on the application of pay equity"—that is, the size of the firm—"would be analogous to limiting the coverage of minimum wage regulation."

The Coalition of Visible Minority Women expressed the same concern at its October 29 press conference, pointing out that hundreds of thousands of women work in firms with fewer than 50 employees, the size of firms that will not be required to have equal pay plans under Bill 154.

For women who work for employers with fewer than 50 employees, Bill 154 offers only that six years after the bill is in effect, they can complain to the Equal Pay Commission of Ontario. The coalition was very clear about the implications of this kind of proposal. It said, "It is in these businesses that immigrant and visible minority women are concentrated."

Its judgement is that Bill 154 makes equal pay for visible minority women a mirage. Visible minority women suffer double discrimination and deserve priority consideration when we legislate equal pay protection.

### ANNIVERSARY OF WILLIAM LYON MACKENZIE KING

**Mr. D. R. Cooke:** It gives me great pleasure to rise today and bring to the attention of the Legislature the fact that on this day in 1874 the Right Honourable William Lyon Mackenzie King was born. Mackenzie King was born and spent his formative years in Berlin. His boyhood home, Woodside, is now a national park visited by tens of thousands of tourists each year.

Mackenzie King's tenure in office is rivalled only by his achievements as Prime Minister. It was under his prime ministership that Canada emerged from being a colony to become a truly independent nation. It was Mackenzie King who kept this nation united through the turmoil of the Second World War, and it was Mackenzie King who laid the foundation for Canada's social welfare system, a system dedicated to providing food, shelter and dignity to all Canadians.

Mackenzie King will always be remembered by those who appreciate compassion and political longevity. The former virtue, few will argue, is shared by another truly great Canadian, whose



birthday is on December 28, the Premier (Mr. Peterson). The latter virtue, political longevity, is very much in the hands of the people of Ontario. I feel confident that, as Canadians did in Mackenzie King's time, they will provide the present Premier with a long and successful mandate.

### EQUALITY RIGHTS LEGISLATION

**Mr. Treleven:** Since I was in the chair on the consideration of Bill 7 during the committee of the whole House, I wish to place on record to my constituents my opposition to Bill 7 and that I voted against it on third reading, as did the following Progressive Conservative members, who were also opposed to subsections 18(1) to (5) of Bill 7: The member for Peterborough (Mr. Turner); the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) and the member for Lanark (Mr. Wiseman).

### AFFORDABLE HOUSING

**Mr. Reville:** It is exactly one year since Drina Joubert froze to death in a truck at Sherbourne and Dundas Streets. Today the Basic Poverty Action Group held a commemorative luncheon at All Saints Church, followed by a march to city hall, where it laid a wreath in memory of all the homeless people who have died.

This is what it says on their leaflet:

"Just two years before, she had her own apartment. Then her mother, who helped pay for it, died. Because of the lack of affordable housing, she began wandering from hostel to hostel. Sometimes she couldn't handle the crowded hostels and stayed outside in an abandoned truck for privacy.

"On December 17, 1985, her frozen body was found.

"Some people say that Drina was a drinker and was mentally ill and that's why she died....

"How many rich people who are big drinkers or who are mentally ill die outside, frozen to death?...

"People who are forced to live in the hostels know how bad things really are....The hostels are so crowded and unhealthy that some people just break down mentally and physically....

"In the last year homeless have protested loudly and government has been forced to give out a few million dollars for permanent housing. It's not nearly enough."

### LEGISLATIVE PAGES

**Mr. Callahan:** I have the fortunate opportunity today to have three of the young pages who

will be leaving us tomorrow appear and relate to other young people in the communities of Ontario the things they do as pages. One of them, a young lad by the name of Paul Yaroshak, is from the riding of the member for Sudbury (Mr. Gordon); the second young man, Jeramie Whalen, is from the riding of the member for Hamilton Centre (Ms. Munro); and the third, Marc Steyn, is from the riding of the member for Kent-Elgin (Mr. McGuigan).

The public often is not fully aware of the tremendous service these young people effect for members, and all too often we are not aware how much they serve us. We snap our fingers and a glass of water is brought to us or a message is transferred to another member in the House. On occasion we should recognize that these young men and women serve Ontario as a very integral part of our system of legislation. I would like to wish them all merry Christmas and happy new year.

### RECOGNITION OF DOWNHILL SKIER

**Mr. J. M. Johnson:** I would like to take this opportunity to recognize a world-class achievement by one of my Wellington-Dufferin-Peel constituents, Laurie Graham from Inglewood in the town of Caledon. Last Saturday, December 13, in Val d'Isere, France, Laurie was victorious in winning the ladies' downhill event. She has once again proved to the world that Ontario is a province to be recognized for its ability to provide excellent downhill skiers who have always stood in the top ranks of the World Cup title competitions.

For the sixth time in Laurie's illustrious career, she has demonstrated her ability and determination to excel. She has solidified her position among other greats in Canadian women's skiing history, Nancy Greene and Kathie Kreiner, to name just two. Laurie's victory in this very prestigious event has put her in second place in the World Cup standings, thereby enhancing her chances of bringing a World Cup title to Ontario.

I am confident all members of this Legislature will be more than happy to join me in extending sincere congratulations to Laurie for her recent accomplishment and in wishing her continued success in the near future.

I would also like to read a final name into the record in opposition to section 18 of Bill 7, the member for Simcoe East (Mr. McLean).

13:42

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ANNUAL REPORT, EMPLOYMENT EQUITY FOR WOMEN IN THE ONTARIO PUBLIC SERVICE

**Hon. Mr. Scott:** I have two announcements to make in my capacity as the minister responsible for women's issues.

First, it is my pleasure to table the 1985-86 annual report, Employment Equity for Women in the Ontario Public Service. It shows we have come a long way since 1974 when, as some of the honourable members will remember, Ontario was the first province to introduce an affirmative action program for women in its work force. The government of Ontario was considered a leader and a role model for other employers then. The annual report I am tabling reinforces that position.

I would also like to point out today that for the first time we are replacing the term "affirmative action" in the annual report with the term "employment equity." This is not merely a name change; it is designed to reflect the commitment of the government to a variety of progressive employment policies and practices, including equal opportunity, working conditions, child care, benefits, training and pay equity. All are designed to improve the status of women in the work place.

Earlier this year, the Ontario women's directorate conducted a review of the Ontario public service affirmative action program to evaluate the various program components. Our conclusion was that we are moving along well towards the goal of full employment equity in the OPS, but we want to ensure that the advance continues at a steady rate. Therefore, we have resolved to improve further the status of working women in the Ontario public services by implementing the following program enhancements:

1. A system of five-year goals for each occupational group to accelerate the representation of women will be developed during the next year to replace the long-term goal of achieving a minimum 30 per cent representation by the year 2000 in all occupational groups.

2. The revision and improvement of the target-setting process for hiring and promotion to assist in the achievement of that goal.

**Mr. Gillies:** With regard to the statement made today and the report tabled by the minister responsible for women's issues, this report speaks to various employment equity initiatives

of the government, which are just fine in so far as they go. However, I note several points.

In the list of achievements the minister put before the House today, we find the proud claim that pay equity legislation for the Ontario public service was introduced in the Legislature in February 1986. It certainly was, and where is it now?

The Minister of Labour (Mr. Wrye) introduced pay equity legislation, a totally inadequate bill covering 1.5 per cent of the working women in this province. He introduced inadequate initiatives to bring about something the government called pay equity in the long term. When the two opposition parties decided to try to make a silk purse out of a sow's ear by making something positive out of this initiative, we ran into obstruction and foot-dragging by the government members of the committee. As far as we can tell, that bill has disappeared from Orders and Notices and we have no idea when this minister intends to bring pay equity into the public service of this province.

The minister also boasts rather proudly that in the Ontario public service the wage gap between men and women was closed in the past year by 1.3 per cent. I indicate to the minister that to the best of my recollection, that is no great improvement over past initiatives in recent years. It is not a boast of which the minister should be particularly proud.

Since 1974, the wage gap between men and women in the public service of this province has closed by but 7.5 per cent. The standing committee on administration of justice has offered the minister a piece of legislation that, as amended, would bring about accelerated pay equity in the broad public service within the next five years. It would address all the areas he cites in his initiatives today, such as colleges, universities, boards of education and municipalities. All the areas he tinkers with in this report could have meaningful pay equity if only the minister would show the courage that could be characteristic of somebody of his stature, bring the bill back into the House and let it pass. That is the initiative we on this side would apply.

**Ms. Gigantes:** I would like to make some comments on the statement made by the minister responsible for women's issues.

We have had the tabling of the report, which is now called Employment Equity for Women in the Ontario Public Service. We should all pay vast attention to the change that has taken place here. What used to be called affirmative action, we are told proudly by the minister, is now called



employment equity. We have to see what changes we have.

I was interested in the comments of my Conservative colleague the member for Brantford (Mr. Gillies) about the minister's statement. He is right on in terms of discussing the problems the government has had dealing with equal pay. The minister said, for example, that the government's commitment is to a variety of progressive employment policies and practices, including equal opportunity, which is this statement; child care, about which we do not even have a white paper after a year and a half; working conditions, though I do not know what that is supposed to mean; benefits, though what are benefits without equal pay and without coverage for part-time women; training, and where is that; and pay equity, which we do not have.

All these things that the government feels are important signs of its commitment to progressive employment policies and practices are not in place after a year of this government. I am surprised my friend the member for Brantford was so scathing in his criticism because, after all, the Conservatives can feel quite proud. What the Liberals have told us is that they are going to carry on in the fine old Conservative tradition, which is to announce programs that do not do anything, that cost money and that involve the appointments of people to carry out programs without goals.

We have an announcement today that the government is going to move towards employment equity. It is dropping the old goal, which was 30 per cent in each employment category for women, and that goal was to be reached in the year 2000. It is replacing it with five-year goals, we are told by the minister. We are not told what those goals are. The public service of Ontario has not yet been given goals. That is the public service. The public sector, while it is using the employment equity incentive grants, does not have a goal-oriented policy that it has to follow from this government, as it did not from the previous government. The private sector? There is nothing happening in the private sector—nothing at all.

This is a government that committed itself in the accord to employment equity policies and programs, and all it is doing is talking about programs with no goals. How can one have employment equity unless one sets goals and has a timetable for reaching them? We are not talking only about women here; we are also talking about visible minorities. We are also talking about handicapped people in Ontario. This government

has not moved one inch beyond old Conservative policies.

This crowd of Conservatives ought to be applauding these gentlemen. I notice there are fewer with red ties today. It may be a sign that they are in fact turning into Conservatives. There are more blue ties over there than I have seen in a long time, and they are proudly carrying on the tradition of the former government in doing nothing on employment equity. We wait impatiently.

#### EMPLOYMENT EQUITY INCENTIVE FUND

**Hon. Mr. Scott:** My second announcement today is about the extension of the employment equity incentive fund. This fund was established in 1984 to provide startup money for employment equity programs in the broader public sector, including school boards, universities, hospitals and municipalities. It represents a major collaborative effort between the Ontario women's directorate and the ministries of Education, Colleges and Universities, Health, and Municipal Affairs.

The original incentive fund totalled \$4.3 million over two years. Initially, individual institutions were eligible for \$20,000 towards the cost either of hiring a co-ordinator or for special employment equity projects. In addition, a one-time grant of \$3,000 was available to conduct studies, such as an employment equity needs assessment.

We have recently reviewed the incentive fund and have found, on balance, that it is producing excellent results. Nearly half the broader public sector organizations—225 of them—that have more than 100 employees have introduced employment equity measures for women. Those organizations that have received funding include 79 school boards, 15 universities, 72 hospitals and 21 municipalities.

During the two-year period the funding was offered, there was a 36 per cent increase in the number of employers with employment equity programs. This represents a promising co-operative effort on the part of the Ontario women's directorate in the four ministries. Together, we have demonstrated the potential to make employment equity a reality for the women who work in the broader public sector. Our collective initiative is also a powerful example for all employers who are taking their own steps towards implementing effective employment equity programs for their female employees.

The initial incentive fund was planned to end on December 31 this year, but I am pleased to



announce today that the program will now be extended and that more than \$12 million will be distributed to the broader public sector over the next five years. The extended funding will give further support to established employment equity programs. We believe it will encourage the development of new ones. The funds allocated will be tailored to the individual needs of each employer involved in the program.

On a regular basis, my colleagues and I will be reporting back to the Legislature on the progress the respective sectors are making in employment equity for women. It is clear that women continue to face barriers to equality in employment in Ontario. This government is committed to removing those barriers in as short a time as possible. Reaching that goal will take a truly co-operative effort, not only from the public sector but from the private sector as well. We urge all employers in Ontario to take the initiative in making full employment equity a reality.

**Hon. Mr. Elston:** I wish to expand on today's announcement by my colleague the Attorney General and provide members of this House with an update on the employment equity incentive fund program in Ontario's public hospitals.

To date, just over \$1.3 million in employment equity funding has been allocated by my ministry. Last December, this program took shape with the support and co-operation of the Ontario women's directorate and the Ontario Hospital Association; 72 hospitals with more than 100 beds were given funds to establish programs.

The participating hospitals established their own affirmative action/employment equity programs, including five key elements: a policy on employment equity; an employment coordinator; an employment equity committee; a collection of data to identify areas where there are few women employees, with data forming the basis of employment equity planning; and, finally, a review of employment-related policies and procedures to identify any discriminatory sections that need to be changed.

In addition, five hospitals received funds to develop specific employment equity initiatives they will share with other hospitals. Funds were also provided to the Ontario Hospital Association for the cost of operating the employment equity program.

While employment equity programs to date have initially been confined to the larger hospitals, I strongly believe smaller hospitals must also join in this process. I am pleased to advise that 51 of the 88 Ontario hospitals with

fewer than 100 beds are now developing ideas and plans with employment equity consultants.

As we move to the next stage of our employment equity program, next year—1987-88—the ministry will disburse \$922,000 to complete its two-year incentive program. The funds will be used to advance the programs now under way in 72 hospitals. An additional 55 hospitals will join in the program for the first time.

I am genuinely pleased that so many hospitals have chosen to become actively involved in this program. I fully expect Ontario hospitals will make a strong contribution to this important initiative in Ontario.

**Hon. Mr. Sorbara:** I am pleased to announce that Ontario's colleges and universities will receive up to \$1.8 million in employment equity grants over the next three years. Universities, which received \$382,000 in 1985-86 to implement employment equity programs for female faculty and nonacademic staff, are eligible to receive incentive funds for a further two years. These funds will be available on a matching grant basis and will provide a sound base for the continuance of the university employment equity program.

For the first time, for three years beginning in 1987, colleges of applied arts and technology will be eligible for employment equity incentive grants.

Le gouvernement de l'Ontario s'est fixé pour objectif l'équité en matière d'emploi, tant dans le secteur public que dans le secteur privé. Dans cette optique, le programme d'encouragement à l'équité en matière d'emploi veut aider les universités et les collèges de l'Ontario à atteindre l'équité en matière d'emploi par le biais de leurs pratiques d'emploi. Je suis fier d'annoncer que plusieurs établissements d'enseignement post-secondaire ont déjà fait preuve de leadership dans ce domaine.

Le fonds d'encouragement leur permettra de donner de l'expansion à leurs programmes ou d'entreprendre de nouvelles initiatives à l'intention des femmes faisant partie de leur corps professoral ou de leur personnel. Le fonds incitera les autres établissements à progresser dans cette voie.

Earlier this year, a multi-year faculty renewal fund for universities was implemented. One of the primary goals of this program is to increase the percentage of female faculty at Ontario universities. I am delighted to report that to date 56 per cent of the new faculty positions under the fund have been filled by women. The faculty

renewal program is also intended to assist young Canadian scholars. In this respect, women in universities should benefit significantly from both programs, as women now comprise more than 35 per cent of the full-time doctoral enrolment in Ontario institutions. This percentage will probably continue to grow during the next few years.

In the college sector, women represent 35 per cent of full-time faculty and 58 per cent of support staff. While volunteer affirmative action programs have been in place in colleges since 1976, it is anticipated that the incentive fund will result in an increase in the representation of women in senior administration and nontraditional occupations.

The incentive grants, in conjunction with the increased number of female faculty hired under the new collective agreement, represent a tangible increase of effort in this most important area.

My ministry will continue to provide leadership and work co-operatively with the post-secondary institutions of the province in pursuit of our common goal of achieving employment equity for women.

**Hon. Mr. Conway:** I am pleased to be able to announce today that the Ontario Ministry of Education is committed to continuing the affirmative action/employment equity incentive fund for women employees of Ontario school boards for three more years, effective January 1, 1987.

Along with my colleagues, I share a commitment to developing effective affirmative action/employment equity programs in all sectors. This is certainly the case in education, which employs large numbers of women in a variety of capacities. Our goal for school boards, and indeed for the Ministry of Education, must be the achievement of an equitable representation of women and men at all levels of the educational system. With the support of the affirmative action/employment equity incentive fund, the next three years should witness significant progress in this area.

I am therefore pleased to announce, in extending the affirmative action/employment incentive fund for three more years, that each participating school board will be eligible to receive funding for a maximum of three years more than the total five years of the incentive fund, which will end in December 1989. For 1987, the amount available to school boards will be \$2.1 million, followed by \$1.1 million in 1988 and \$500,000 in 1989, bringing the total for those three years to \$3.7 million. In addition to

this amount, \$975,000 will be allocated, from 1987 to 1991, for other program support.

School boards have traditionally shown leadership in this area of affirmative action. They were the first public sector employers involved in an affirmative action/employment equity incentive fund program. This program was launched in January 1985 as a joint project of the Ontario Ministry of Education and the Ontario women's directorate.

In addition, I plan to announce amendments to the Education Act to require all school boards to promote and maintain affirmative action/employment equity in the employment and promotion of women. I shall be requesting that the annual report of the chief executive officer of each school board include reference to affirmative action activities for its women employees. Let me emphasize that by the end of the incentive fund period, school boards should plan to demonstrate evidence of significant progress towards the achievement of an environment that exemplifies sex equity.

I am requesting that school boards adopt the objective of achieving an equitable representation of women and men at all levels of the education system. Through this strategy, and through the co-operation already taking place between Ontario school boards and the Ontario Ministry of Education, I know we can create an atmosphere of growth and equal employment opportunity.

**Hon. Mr. Grandmaître:** I am pleased to inform the House of my ministry's new employment equity initiatives.

Mon gouvernement est conscient de la complexité du problème d'équité en matière d'emploi. Nous savons qu'il faudra, pour le résoudre, adopter plusieurs mesures différentes. Les bonnes intentions ne suffisent pas. C'est pourquoi le ministère des Affaires municipales entend promouvoir activement l'équité dans les emplois municipaux.

I am therefore pleased to announce that the government will extend the municipal affirmative action program. A total of \$4.9 million will be allocated to municipal employment equity programs. Two years ago, before the fund was established, only five municipalities in Ontario were involved in employment equity initiatives. To date, the municipal affirmative action program has provided more than \$500,000 to subsidize programs in 21 municipalities. In effect, this ministry is doubling its annual commitment to employment equity initiatives.



The programs will assist municipalities in developing employment equity policies and programs. As well, the ministry will provide financial assistance towards an internship program for municipalities designed to attract women who have recently graduated from colleges and universities. Under this program, existing municipal employees with similar or equivalent qualifications will qualify for and be able to participate in developmental positions to qualify them for more senior management positions in their municipalities.

For smaller municipalities, my ministry will provide up to \$30,000 for joint employment equity projects involving two or more municipalities, as well as technical assistance for municipalities.

Monsieur le Président, cela m'a fait plaisir de vous annoncer les nouvelles mesures d'équité en matière d'emploi.

I believe what we are doing in the Ministry of Municipal Affairs helps women in municipalities take another major step on the road to true economic equality.

#### PROTECTION FOR HOME BUYERS

**Hon. Mr. Kwinter:** In co-operation with the Ontario New Home Warranty Program, I am pleased to announce increased protection for Ontario home buyers. Yesterday the Ontario building industry announced major changes that would help home buyers by improving disclosure and protecting against delayed closings.

I want to stress today that the buyer protection clauses in purchase agreements will be enforced by the Ontario New Home Warranty Program. These new buyer protection clauses will give the Ontario New Home Warranty Program an increased vigilance and enforcement role to investigate unethical builders. Actions will continue to be taken against builders who do not act with honesty, integrity and in accordance with the law.

I remind members that revocation of registration under the new Home warranty program means that, effectively, the builder can no longer carry on business in Ontario. We are especially concerned about cases where unethical builders may attempt to escape from their duty to complete their contractual obligation.

As members know, the Ontario New Home Warranty Program issued a proposal to revoke the registration of Ryan Homes in response to allegations that the builder was not carrying out his obligations. As a result of these actions, I am advised that Ryan Homes is now prepared to

honour its obligations. Today purchasers are being sent a letter that includes an agreement to restore the transaction.

I want to underscore that this program already has strong power to revoke the registration of unethical builders. Given the new buyer protection clauses, this power will be used with even broader vigilance to protect consumers in the future.

My ministry will be closely monitoring problems that consumers are having with home purchases. If these enforcement powers are not effective enough to meet new conditions, my ministry is prepared to introduce further measures.

In addition, I would like to inform the House of major enhancements that will be made to the Ontario New Home Warranty Program early in the new year. These five changes have been requested by the home buyers of this province and will extend the new home warranty program's consumer protection mandate. They are:

1. An increase from \$20,000 to \$50,000 in the first-year coverage for warranted repairs;
2. A guarantee that up to \$5,000 worth of incomplete work on an occupied house will be finished if the builder goes bankrupt;
3. Publication of a list of builders who have achieved a high level of performance;
4. An extension of coverage from one year to two years for leaky foundations; and
5. Two incentives for builders to meet these standards: merit awards plus a reduction in enrolment fees.

We believe the tougher policing of the home building industry and the consumer protection measures announced yesterday will provide the home buyers of this province with the best consumer protection available today in Canada.

**Mr. O'Connor:** By way of reply to the statement by the Minister of Consumer and Commercial Relations, I note that his statement is again a case of too little, too late on his inexorable march, an ever excruciatingly slow march, towards legislation in favour of new home buyers.

Under his plan, the only remedy for builders who abuse their power in a situation is deregistration. It is a sledgehammer or nothing. Surely deregistration, which occurs after the fact, after there has been abuse of the situation, is a less adequate response than would be legislation that would prevent some of the problems, legislation that we have been urging on the minister since March 1986, legislation that would involve interest from closing dates and not four months



after closing dates as his present plan suggests, legislation that would include no sales prior to registration and legislation that would include a standard type of contract to protect both sides to the contract in the purchase of a new house.

When will the minister understand? When will he finally adopt legislation in this area? He seems to be moving very slowly towards it. How many people have to be left out in the street? How many people have to lose their new houses? How many people have to lose interest on substantial deposits before he will finally adopt a program of legislation in this area?

**Mr. Cousens:** The Minister of Consumer and Commercial Relations is giving a builder's solution to a builder's problem. When are we going to become advocates for the consumers and the new home buyers in the province? It is high time we started to do it.

More than 15,000 new homes are being built in my riding right now, and the people who are moving in there are not receiving the service and support of this government. It is high time we began to build in some protection for them.

What I see here today is only window dressing. Let us get on with real action. It is time the government made some changes. It should not wait for the new year, but get on and do something. There are more problems than the new home warranty program. It starts with the builders. The first and most important decision anyone has to make when he is buying a new home is the builder. The second decision is the builder and the third decision is the builder.

If you know who your builder is going to be, get a good person and then get a start. Let us begin to get rid of the bad builders. The government is saying it has not accomplished that yet. It has to licence the individual, and if that individual breaks down the system get rid of him; do not let him practise again. If you are an insurance agent you are not allowed to practise in the insurance industry if you have broken the law, but if you are a builder, you can.

It is high time this government began to understand there is a crisis out there. The crisis is taking place all around Toronto, in Cambridge and in other areas where people are buying homes. They cannot get delivery and there is no one to back them up.

It is time the government began to realize there is a serious problem and it can do something about it if it decides to do so.

**Mr. Philip:** One can drive a bulldozer through the program announced by the Ontario Home Builders' Association and by the Minister of

Consumer and Commercial Relations. Once again, the Minister of Consumer and Commercial Relations has shown that he is a wimp when it comes to standing up for consumers against vested interests, in this case those of the builders.

Under the proposal announced by the Ontario Home Builders' Association and by the minister today, the builders will still be allowed to sign contracts for homes on land that is not registered, and that is the crux of the problem we have been facing in the past few months. They will still be allowed to do it.

Under this program, the people who have been affected to date, and indeed the people who will be ripped off up until March 1, will have no satisfaction, because the program offers a window for builders to rip off more people between now and March 1, since it does not go into effect until then.

The program announced still allows an exit clause, albeit an exit clause that cannot be exercised before 240 days. In using that exit clause, it does not even provide for a full payment of interest for the total term of the deposit by the would-be home buyer. Thus, the builder can exit and not even pay interest on the total term.

The wording of the proposal is so vague that it will be a giveaway to every lawyer in this city who wants to practise this type of law. It will be a delight of the courts. It will be a delight of the lawyers who are practising before the Ontario New Home Warranty Program.

What is clearly needed is a standardized contract. The minister has failed to provide one. It is possible for the government to design a contract that will balance the interests of the consumers with those of the builders. What is needed is a ban on the sale of properties where plans are not registered.

The previous Conservative government, in bad judgement, allowed the sale of pre-registered properties. This Liberal government is following in that same Conservative tradition. The minister has passed the buck to industry, and he is saying he will monitor and study it. This minister has to study more topics than anybody I have ever seen. In fact, he should apply for an Ontario student loan, because he undertakes more studies than any graduate student in this province.

The minister in this program reminds me of the fellow who studies Freud all of his life and never has a date. There comes a time when one has to stop studying and take some action. This is a complete sellout. It is following in the Conservative tradition, the Conservative policies of the

previous government that protect the builder and do absolutely nothing for the consumer.

If this Minister of Consumer and Commercial Relations wants to borrow that, he should cross the floor and join the Conservative Party.

**Mr. Speaker:** The Minister of Industry, Trade and Technology for one minute.

#### SMALL BUSINESS

**Hon. Mr. O'Neil:** Today I am pleased to table the first annual report of the state of small business. The report details the performance, concerns and priorities of small business owners in the province. As a record of the achievements of small business owners in Ontario, I believe this report spotlights their crucial impact on wealth creation and the reduction of unemployment.

There are 304,000 small businesses in Ontario, and they continue to be the most dynamic source of job creation in our economy. Eighty-two per cent of all net new jobs in Ontario come from small business, and the majority of these from the formation of new companies.

The role of women and young people as small business owners is becoming increasingly significant. Nearly a quarter of Ontario businesses are now owned by women. Young Ontarians are turning to new business startups as a viable alternative to traditional employment. More than 40 per cent of new businesses are started by people under the age of 30.

These findings are just a few of the highlights of the report, a report submitted to me by the committee of parliamentary assistants for small business.

**Mr. Speaker:** Order. I am sorry to interrupt the minister—

**Hon. Mr. Nixon:** Mr. Speaker, I wonder if we could have unanimous consent to complete this.

**Mr. O'Connor:** Well, can we have more time?

**Hon. Mr. Nixon:** We would be delighted.

**Mr. McClellan:** I would suggest three minutes per party.

**Hon. Mr. Peterson:** Whatever you want. Take the rest of the day, Ross; you are worth listening to.

**Mr. Speaker:** I would like to have that clarified. The standing orders say five minutes for responses. Is there some agreement for six minutes?

**Mr. McClellan:** No; three minutes for each of the parties.

**Some hon. members:** Agreed.

**Mr. Speaker:** Agreed.

**Hon. Mr. O'Neil:** In its first year, the committee has achieved a remarkable level of activity. I salute the chairman, the member for Wellington South (Mr. Ferraro), and the members of his committee: the member for Downsview (Mr. Cordiano), the member for Waterloo North (Mr. Epp), the member for Essex South (Mr. Mancini), the member for Mississauga North (Mr. Offer), the member for Prescott-Russell (Mr. Poirier) and the member for Yorkview (Mr. Polsinelli).

Since the committee was formed early this year, it has listened intently to small business owners. The committee has brought important messages to the attention of the government and influenced decisions on leading issues that concern the small business community.

Shortly after the appointment of the committee, I announced that its chairman, the member for Wellington South, would be appointed to the position of small business advocate. This was in response to the insistence of business owners that the government create a point of access through which groups could engage the government in dialogue on small business issues.

This government has listened; it has put small business high on the agenda.

Small business owners are making an enormous contribution to Ontario's development and prosperity. We are prepared to speak out for their interests, and we are hopeful that the members of the Legislature will continue to respond with faith in Ontario's small business community.

**Mr. Barlow:** I am pleased that the Minister of Industry, Trade and Technology and the government still recognize the very important contribution the 304,000 small businesses in Ontario make towards our total economy. In his statement, the minister said the government and the committee that represents small business have listened. He mentioned that on a couple of occasions. In many cases they listened, but they did not hear what business was saying. They cannot be the most antibusiness government in Canada and expect small business to have any faith in them.

I think the statement said the committee headed by the member for Wellington South has been meeting since January. They have brought in only one program, the new ventures program. They pay lip service to the pleas of the many business organizations they have been meeting with. They cannot keep loading on the costs they have been loading on to business and expect



business to survive. They need to disclose to business the costs of all these many programs so that business can find the true balance between the handouts being given by the government and the actual cost to business.

#### LIQUEFIED NATURAL GAS STORAGE FACILITY

**Mrs. Grier:** On a point of privilege, Mr. Speaker: Having read carefully your comments of December 15, but also being cognizant of the fact that the primary privilege of a member of this House is the privilege to hold a minister accountable for his actions, my point is that the timing of a decision to be announced tomorrow by the Ontario Energy Board is such that the Minister of Energy (Mr. Kerrio) cannot be questioned in this House.

The Ontario Energy Board, with the addition of a member of the Environmental Assessment Board, had extensive hearings last October into an application by Consumers' Gas for an enormous storage facility in Northumberland. That issue has been raised in this House on many occasions. The Ontario Municipal Board opens hearings into the official plan amendment to allow the facility on January 5. The Ontario Energy Board plans to announce its decision tomorrow. It has scheduled a press briefing for three o'clock, and the decision is to be announced at four o'clock.

That is too late for any questions to be raised in this House. Given that the dates of the recess of this House were well known in advance, I would like you to ask the Minister of Energy to change the timing of that decision.

**Mr. Speaker:** I listened very carefully to the member for Lakeshore. It certainly was a point of information. I understood the member was asking the Speaker a question in the final comment she made. The Speaker cannot request a minister to make a statement or do anything at any time. However, I thank the member for the point of information.

14:22

#### ORAL QUESTIONS

##### PROTECTION FOR HOME BUYERS

**Mr. Grossman:** I have a question for the Minister of Consumer and Commercial Relations regarding probably the most flimsy and embarrassing announcement his government has made in its one and half years in office. The minister has no doubt studied the problem of the Bolton home owners. I wonder whether he can share with the House the terms of the offers to purchase

signed by the builders and the prospective owners and how many months the builders had provided in the offers for the right to extend the closing date.

**Hon. Mr. Kwinter:** I do not have those exact details.

**Mr. Grossman:** Does the minister mean to say that after he and his colleague manufactured for themselves headlines such as "Clean Up Your Act Or Face Legislation, Home Builders Told"—of course, the minister persuaded only the Toronto Star to publish this—and after all the speeches he and his colleague made about cleaning up the act and getting a remedy for the prospective home purchasers in Bolton, he can rise today and tell us he does not even know how many months the builders had a right to extend the closing date?

I have the answer and a question for the minister. Under the offer to purchase, all the purchasers affected in Bolton faced a six-month extension to the closing date as per their agreement of purchase and sale. In fact, a six-month extension is provided in most standard form contracts; I have some here today. Can the minister explain why his grand announcement today extends that from six months to eight months? He claims that is consumer protection; it is builder protection.

**Hon. Mr. Kwinter:** The Leader of the Opposition will know this initiative is not aimed at just one builder; it is aimed at the problem confronting those areas experiencing this heated market.

What we have done is work in conjunction with the home builders, consumer groups and the Ontario New Home Warranty Program to come up with a program that is going to be fair and equitable to all the parties. We are not dealing with specific issues; we are dealing with the broad problem and dealing with it on a broad solution.

**Mr. Grossman:** We know that before the minister entered politics he sold real estate. He had a licence. In his time, he will have seen many standard form offers and will have seen they all contain a printed standard form clause that gives the builder the right to a six-month extension. The minister wants to take the position that he has done something for the consumers or the home buyers; yet can he explain why his grand announcement today says to builders that an extension to eight months, not six months, is appropriate?

**Hon. Mr. Kwinter:** The member, who is supposedly learned in the law, will know that if



the home buyer and the builder were to abide by that contract, at six months there would be no deal and there would be no recourse under the law. That would be the deal and that would be it.

We have tried to work out a solution whereby they cannot impose that legal solution. In all the problem cases we have right now, the builders are saying, "Legally, we have no obligation whatsoever." We are saying, "You may be right, but there is a moral and ethical problem and we think you should honour those contracts."

If we went to court, the contract could not be upset, because the agreement states that the builder has an opportunity to extend it for six months and that is it. That is the defence Ryan Homes used and it is the defence we attack; that is the one it has backed down on and the one where the problems of those purchasers have been solved.

Interjections.

**Mr. Speaker:** New question.

**Mr. Grossman:** The minister must have negotiated with Rod Lewis and the Urban Transportation Development Corp. That is unbelievable.

**Mr. Speaker:** Is that your second question?

#### SUNDAY TRADING

**Mr. Grossman:** My question on Sunday shopping is for the Attorney General and acting Solicitor General. A headline we read yesterday said, "Store Staff Cannot Be Forced To Work on Sunday, Scott Says." Can the acting Solicitor General tell us what legal reference he had when he made that statement?

**Hon. Mr. Scott:** It is my view that if a store is prohibited by law from opening on Sunday, it would be a breach of the law, which would produce a civil, although not necessarily a criminal, remedy in the event that an employee were required to work on that day.

**Mr. Grossman:** With respect, the minister's statement, for which he got a headline the day he gave out his phone number, said that store staff cannot be forced to work on Sunday. There are thousands of employees who are looking to him for some guidance—

Interjections.

**Mr. Speaker:** Order. I know the Christmas season is coming. Supplementary. Order.

**Mr. Grossman:** The employees of this province would like to be gifted by the Attorney General with some specific advice on this simple question. Ms. Gaynor, counsellor for the branch of the Ministry of Labour, said that under the

Employment Standards Act, if an employee did not accept work on Sunday, the employer would have to give him notice or pay in lieu of notice but would have the right to terminate his employment.

Will the Attorney General confirm that advice or call the Ministry of Labour and tell its people they are giving out wrong information?

**Hon. Mr. Scott:** The honourable member knows it will not advance the situation if he confuses a number of businesses covered by the Employment Standards Act and the businesses in the retail trade, which have Sunday closing dealt with under the Retail Business Holidays Act.

Under the Retail Business Holidays Act, it is an offence to sell at retail in certain enumerated kinds of retail stores on Sunday. In my opinion, there is nothing in the act that prohibits a direction to an employee to work, but there is a civil remedy at law if the employee is required to do so.

14:30

**Mr. Grossman:** Let us be clear. The Attorney General is saying to employees: "Never mind the statement of last week, December 4, when the Premier said"—I will admit it was in the absence of the Attorney General, who was away from the House; that is probably the problem—"in response to this very question, 'I can assure my friend if there is not a statute that is applicable, we will bring one into the House to protect these people.'"

What the Attorney General is saying is very simple. He is saying that this Sunday, regardless of what the courts do, employees face this option: to be fined under the Retail Business Holidays Act, which he has just referenced, and sue their employers a month later; or to be fired, since there is no protection under the Employment Standards Act.

Will the Attorney General be kind enough to weave his way through that fine-or-be-fired option? The employees of this province now know that the Premier (Mr. Peterson) was giving out information that might have caused them to act in an inappropriate way and that the Attorney General has misled the public in terms of that answer.

**Hon. Mr. Scott:** I am sorry about the last observation, but there is nothing I can do about it.

I want to emphasize that the advice the Premier gave, according to that press report—I was not here that day—is (a) entirely correct and (b) entirely consistent with the statement I have made today.

## ELECTRIC SHOCK THERAPY

**Mr. R. F. Johnston:** My question is of the Minister of Community and Social Services regarding the use of contingent electric shock or cattle-prod therapy for the developmentally handicapped.

When the minister announced in September his strict new controls, as they were called then, on the use of cattle prods, he indicated—or at least two press reports said—that these would be limited to Cedar Springs in Blenheim. My evidence today is that they are being used in D'Arcy Place and Midwestern as well as in Blenheim.

When I asked the minister on June 2 what would happen to a woman who was going back to D'Arcy Place and whether she would have to get the shocks there that she had been receiving at Durham Centre, the minister replied as follows:

"The member indicated that some people in Durham are going to D'Arcy, which does not use this procedure. If it were required to be continued, they would not go to D'Arcy. They will be assisted until they are ready to go into the community."

Can the minister explain why this woman is back in D'Arcy receiving this treatment, as is a 17-year-old boy?

**Hon. Mr. Sweeney:** I remind the honourable member that at that time I said no new cases would be started at any centre other than Southwestern. The two cases the honourable member refers to were ongoing and part of the 11 at that time. Those two people have been transferred to D'Arcy. The program they were on at Durham is continuing at D'Arcy; it is not a new program. In both cases the approval, support and encouragement of the parents is part of the decision to continue the former regimen.

I also point out to the honourable member that at that time there were 11 cases across the province. There are now only nine.

**Mr. R. F. Johnston:** In my view, there can be zero if we have the will. But the minister has just indicated he did not tell me the truth on June 2.

**Hon. Mr. Sweeney:** Mr. Speaker, I resent that.

**Mr. R. F. Johnston:** Not as much as I do.

**Hon. Mr. Sweeney:** I said clearly that there would be no new cases started.

**Mr. Warner:** It is in Hansard. Hansard does not lie.

Interjections.

**Mr. Speaker:** Order. The honourable member accused another member of not telling the truth. Will he please withdraw that?

**Mr. R. F. Johnston:** Yes.

**Mr. Speaker:** Fine.

**Mr. R. F. Johnston:** However, I remind the minister to look at the Hansard of June 2, which I just read. It says specifically what I said, which is not what he has told me today.

Under the minister's strict new treating rules, they are supposedly going to have control over who is administering this shock therapy. Can he explain why the 17-year-old boy who is receiving it in D'Arcy is having it administered by a 21-year-old unclassified staff member, who under other regulations is not allowed even to be left alone in charge of patients, let alone to administer such things as medication?

Is the minister sure the right kind of controls are being put on the administration of shock therapy? It is my understanding it is often administered to this young man by one person and one person alone.

**Hon. Mr. Sweeney:** When this was brought to my attention earlier today, the first question I asked was whether the shock treatment was being administered by a qualified staff person. I was assured it was.

**An hon. member:** A cattle-prod artist.

**Mr. R. F. Johnston:** That is true. He is a cattle-prod artist, trained in a community college to do it, as I understand it.

On May 29, 1986, the minister said to me: "I remind the member that this procedure is used as an absolute last resort and for a very short period of time. If it does not produce the results, it is not used." Then he went on.

Can the minister explain to me why Walter in Midwestern has been receiving this for several years and why the woman at D'Arcy, who was at Durham before that, has been receiving this treatment for several years, as has this young 17-year-old boy? Since this kind of stimulation is obviously not working, why are no alternative programs being tried for these people?

**Hon. Mr. Sweeney:** The young woman the member refers to was having 100 incidents per day of personal aggressive behaviour prior to the administration of the shock treatment. That is now down to three. When it is down to one, it will be eliminated.

[Later]

**Hon. Mr. Sweeney:** On a point of personal explanation, Mr. Speaker: I would like to take this opportunity to correct the record and to offer



my apology to the member for Scarborough West (Mr. R. F. Johnston). When he placed his supplementary question, I understood him to be referring to new cases. I have been informed he was not. Rather, he was referring to existing cases being transferred from Durham Centre to D'Arcy Place. The record of June 2 clearly indicates he was correct and I was wrong.

#### LAKE POLLUTION

**Mr. Mackenzie:** I have a question for the Minister of the Environment. It is a matter of some serious concern to the Hamilton region and has implications for all of Ontario.

The minister will be aware of the findings of the special committee on long-term cleanup plans for Hamilton harbour. For the first time, we have had some hard economic figures to put on the necessary changes. It appears that between \$84 million and \$107 million can achieve a substantial cleanup in the harbour within five years and could even lead to the possibility of swimming there.

Will the minister inform this House, and specifically all Hamilton members, whether he is prepared to initiate the necessary immediate action to start developing the plans as outlined in this report so we do not have another plan sitting on the shelf?

**Hon. Mr. Bradley:** The member will be aware that one aspect of the problem that exists in Hamilton harbour, and one that has had the greatest focus of attention, has been Windermere basin itself. When the individuals from the city of Hamilton and the regional municipality came to see me to discuss funding for the cleanup of Windermere basin, for instance, as only component of this whole program, I was happy to indicate to them that the province was prepared to commit \$1.25 million at that time. They were delighted with that step in the right direction and indicated they had tried for five years to get that kind of action. The only reason I mention it is as an indication that we are prepared to translate into specific action the kinds of proposals that are being made.

The member will also know the committee, which is made up of about 48 stakeholders in the area, has brought forward a preliminary recommendation and will be bringing forward a final recommendation. I will be looking very carefully at that. Many of the suggestions I have heard about already are very positive, and the province will play its important role in the cleanup of that harbour.

14:40

**Mr. Allen:** The question of whether Hamiltonians will be swimming in the harbour in five years, seven years or nine years, as the reports have it, is relatively immaterial beside the question of whether the minister will spring into action on receipt of the final report by that committee and bring together the appropriate groups to implement a workable plan with a specific timetable and with the specific allocation of costs spread across the various parties—industry, government and environmental agencies—as is proper.

Will the minister commit himself to doing that when the final report is in the hands of that special committee? He can be assured that if he does that, he will have the co-operation of all members from the Hamilton region on both sides of the House.

**Hon. Mr. Bradley:** The member is quite correct in indicating that there should be a number of people participating in this, and of course private industry is one component of that. Governments at the three levels should also be participating.

I know this member and other members from the Hamilton area all have a concern about the harbour, and I think the member would want to see us move rapidly to implement the recommendations. I can indicate to him that when I get that final report I will know what the implications of the report are. I can tell the member that I am prepared to see action on this. I do not think we simply have to go on reporting and reporting and reporting. The member is quite accurate in assuming that action should flow from this specific report, and I intend to take action.

**Mrs. Grier:** I am sure all members will welcome the minister's commitment to the report that is about to be produced. Given that this report concentrates primarily on bacterial contamination of Hamilton harbour, can we have the minister's assurance that the major industrial polluters, Dofasco and Stelco, and other industries discharging into the sewage treatment plants that flow into the harbour will be brought under control within the same five-year period that the committee is recommending?

**Hon. Mr. Bradley:** I can indicate to the member as I have indicated in the House in the past, that in addition to the spills bill, which is in force right now and has some effect—I am not suggesting it is the major factor, but it is helpful in this regard—with the implementation of the changes contemplated in the municipal-industrial strategy for abatement, as she knows,



instead of looking at the lumps and colours, as we call them, industries, municipalities and the Ontario government itself will be in a position of assessing the problems, determining what substances are going into the harbour and then abating them.

Thus, I can give her the assurance that the municipal-industrial strategy for abatement will address that problem. In addition to this, the review we are undertaking of regulation 308, the air pollution regulation, will have the effect of reducing the contaminants that will be reaching the harbour by means of air particles.

#### AGRICULTURAL FUNDING

**Mr. Stevenson:** I have a question for the Minister of Agriculture and Food. As his letter clearly indicates, the third-party buyer came along long after the initial discussions of funding to the potato growers selling to Natural Fry. Will the minister today state or agree that the growers were encouraged to continue to sell to Natural Fry while these discussions were going on with ministry personnel?

**Hon. Mr. Riddell:** This matter was given full-blown discussion in estimates, which we completed just about a week ago. I would have hoped the honourable member would have had a little longer memory than he is obviously exhibiting today.

I told him exactly what the situation was when he asked the question yesterday. My staff and I were working on a submission, which we were prepared to take to cabinet, regarding financial assistance for producers who had marketed their potatoes through Natural Fry, but that was pending a third-party equity investor in the company. The third party decided it was not interested because the company was in debt to the tune of about \$750,000. Therefore, when they showed there was no interest, the bank put the company into receivership.

All that the growers could possibly have received from my ministry was the fact that we were planning to go to cabinet with a submission for a sum of money to help the growers if it appeared that the Natural Fry company was going to be kept in business.

**Mr. Stevenson:** It is now quite clear to us that growers were promised money out of a \$1.5-million fund that exists in his ministry and does not require cabinet approval to get funding out of. It is also clear to us that his parliamentary assistant's office phoned a former Liberal candidate to say funding was on its way, and we know

of visits to the Premier's office regarding this situation.

Is it not now clear that promises were definitely made to these growers to continue to sell to Natural Fry while these discussions were going on and while they fully expected funding from the ministry to guarantee payments on those sales?

**Hon. Mr. Riddell:** The honourable member knows full well I am not listening in on all telephone conversations that are made by my parliamentary assistant, by my ministry staff or by the Premier's staff.

**Mr. Grossman:** Why did you tell the House something different yesterday?

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Riddell:** Until the honourable member can send to me any written commitment that was made by my staff, by the parliamentary assistant or by anyone else, I have to treat his allegation as being unfounded.

**Mr. Pope:** Are you saying we cannot take the Liberals' word any more?

Interjections.

**Mr. Speaker:** Order.

**Mr. G. I. Miller:** On a point of privilege, Mr. Speaker: The member made a statement that is not true. We never indicated to anybody that funding would be made available to anyone.

Interjections.

**Mr. Speaker:** Order. That is not a point of privilege.

Interjections.

**Mr. Speaker:** Order. The member for Nickel Belt would like to ask a question if the other members will allow him to do that.

#### SPRAY PROGRAM

**Mr. Laughren:** I have a question for the Minister of Natural Resources concerning his intention to spray Ontario's forests next year. Back on November 13, the minister made a statement saying chemicals would not be used in the spray program in 1987. Why are we now hearing that the whole issue is going to come before cabinet yet again to discuss the use of chemicals when in fact the budworm and the gypsy moth populations are down all over the province? Can the minister tell us why we are having to fight this battle all over again?

**Hon. Mr. Kerrio:** We are not fighting the battle all over again. I want to share with the honourable member that there is a request from

the federal government to do some research. We have not answered as yet. We are very interested in taking into account what the federal government is saying about this kind of involvement across Canada to protect the forests in Ontario and in other jurisdictions. The question is before us. No commitment has been made.

**Mr. Laughren:** I do not even know why there is a debate. The minister surely knows that when we spray a chemical on the forest it kills all the insects it comes into contact with, whereas the biological spray bacillus thuringiensis simply kills the budworms.

The minister should read a letter that Dr. David Suzuki wrote to the Premier (Mr. Peterson). I doubt if he has. Dr. Suzuki said:

"Any ecologist will point out that it is a weird notion to control a few insect pests by killing all insects. That would be the same as trying to control crime in New York City by killing all New Yorkers."

Will the minister make a commitment today that there is no need to spray any chemicals on Ontario's forests in the future? That is behind us. It is not necessary any more. The prices are comparable between the chemicals and Bt. It is safer to handle. It is just as effective.

**Mr. Speaker:** Order. The member has asked the question.

14:50

**Hon. Mr. Kerrio:** I thought the response was quite clear. I suggested to the honourable member that to protect the forests, the federal government has asked Ontario whether it will participate in a meaningful research program. It did not specify chemicals. The question was whether we should examine the results of Bt, chemicals, wasps and other types of biological sprays. They asked that question and they also asked that it be monitored to have the results prove one way or another what the whole ramifications of spraying are going to be in the future. I have also shared with the member that no decision has been made. We are dealing with the question put before us in a sensible way. When we come up with any answer, the member will be one of the first to know.

#### SALE OF LANDS

**Mr. Partington:** My question is for the Minister of Municipal Affairs. I found the minister's comments on Monday regarding our discussion of the Vaughan land sale a little distressing. I want to give the minister an opportunity to correct the record. Will he confirm now that during our meeting of Novem-

ber 20 he mentioned that a police investigation was under way and that it would be appreciated if I would refrain from asking questions related to the Vaughan land sale for three weeks, by which time the investigation would be completed? How can he truthfully claim our party broke his confidence when he knows that simply is not true?

**Hon. Mr. Grandmaitre:** I recall the meeting I had with the member for Brock, but the member misunderstood or fabricated—

Interjections.

**Mr. Speaker:** Order. I did not think I heard Christmas carols there. The minister accused another member of fabricating. Will he withdraw that?

**Hon. Mr. Grandmaitre:** It was inadvertent. I withdraw it, Mr. Speaker. The member for Brock misunderstood the message I gave him. I remind him that at the meeting at which he was present, the acting deputy minister was present, my senior policy person was present and my communications person was present. I never told the member to hold back for three weeks. What I did say was that an investigation was ongoing. I did not give it a date. How could I give him a final date for a report expected from the Ontario Provincial Police and not my ministry?

**Mr. Gillies:** The minister has had his internal ministry report sitting on his desk since September. Typically for this government, before it is tabled in this House his deputy minister comments on it in this morning's press. His deputy minister said, "The Vaughan land sale practices were far from satisfactory." The mayor of the town of Vaughan, Mrs. Jackson, who apparently has seen the report, or so it would seem, said: "The circumstances surrounding the sale are still a mystery to me. What was the rush to sell with only a \$10,000 deposit? The provincial report does not deal with this."

The minister has been sitting on this matter for almost a year. He has had the report for three months. He or his officials are talking about it before it is tabled in this House. Why is he stonewalling on this? What is he afraid of?

**Hon. Mr. Grandmaitre:** As promised last Tuesday in this House, I will be making a statement tomorrow regarding the ministry's report or findings. I will be addressing this House tomorrow with a statement.

**Hon. Mr. Sweeney:** Mr. Speaker, may I rise to correct the record please? I think it is important.



**Mr. Speaker:** Will you do that after question period?

### RADIOACTIVE SOIL

**Mrs. Grier:** I have a question for the Premier about the radioactive soil under the homes in the Malvern subdivision of Scarborough. In September 1983, the Premier, then Leader of the Opposition, accused the government of the day of lack of concern for residents who were "being slowly contaminated by cancer-causing radiation." He went on to say, "The government has used the fact that it cannot find a site in which to dump the radioactive soil as an excuse for total inaction."

This government is using a court injunction against disposing of the soil at Reesor Road as a total excuse for inaction. Can the Premier tell the House why the government has not removed the soil and taken it to one of the two licensed waste disposal sites in this province, the Bruce nuclear plant or Chalk River?

**Hon. Mr. Peterson:** I am going to refer this to the acknowledged authority on the subject, the Minister of Housing.

**Hon. Mr. Curling:** If I understand the honourable member's question properly, she is asking why the province has not removed the soil. Transporting the soil is a federal matter. We have already indicated—

Interjections.

**Mr. Speaker:** Order. I wonder whether the members know what order means. It means, please be silent.

**Hon. Mr. Curling:** We are prepared to move the soil whenever the federal people settle it. It has been in the courts for some time now.

**Mrs. Grier:** I thought I made that point in my first question. The injunction against moving the soil is solely against moving it to Reesor Road. The government could have moved it to the waste disposal site at Chalk River or to the one at the Bruce nuclear power development long before now. It has not done either. Instead, it has rented out the houses to people, who are now living on that radioactive soil. The previous government, having knowingly constructed homes on radioactive soil, why is the minister continuing to allow people to live in those homes?

**Hon. Mr. Curling:** I hope the member is not using these scare tactics on the tenants living in that area. Experts in the matter have told us that the level of radiation is not such that it is hazardous to the health of the residents. To

indicate in some respect that this is dangerous is a matter of opinion on the member's part.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Curling:** The information we got from scientists who are well informed has told us it is not hazardous to the health of the tenants. In answering the first part of the member's question, while we would like to put it at Reesor Road, that is, as the member properly stated, a matter for the courts. We could move it to somewhere else and end up in the same kind of legal battle. We feel that as soon as that is settled, the soil will be removed.

### LSI APPLICATIONS/ SPECTRUM SEMICONDUCTOR INC.

**Mr. Gillies:** I have a question to the Minister of Industry, Trade and Technology regarding Spectrum Semiconductor Inc., formerly LSI Applications Inc., the recipient of a \$6-million investment in government funding. I wonder whether the minister is aware that contractors working on the renovation and construction of this company's buildings abandoned their work in early September because Spectrum had failed to make payment for work done months earlier and that, as of September, liens against that company by the contractors totalled more than \$3 million.

Can the minister explain why, when his ministry had an investment of more than \$6 million in the company, he did absolutely nothing for a three-month period following that? The first occasion when this House was informed there were problems with that investment was in November.

**Hon. Mr. O'Neil:** The member should be aware that this money was forwarded to this company by the previous government.

There were several problems with it. That was only one of the reasons that triggered our investigation in the matter, bringing the Ontario Provincial Police in and putting in the accountants.

15:00

**Mr. Pope:** Can the minister indicate to us why in this case as well as in the Wyda case, but particularly in this case, he failed to monitor this investment? Why did he fail to protect the public interest and the public investment in this company? Why did he fail to take even the basic steps to keep track of the intercorporate relationships among LSI, Salient Technologies Inc., Salient Management Systems Inc., Celludata



Inc., Advent Technology Limited Partnership and Quattrotech?

Why did he fail to keep track of what was going on? Why did he fail to check even the basic registrations that would have told him the only acquisition that LSI made was a Mercedes-Benz in June of this year when he—

**Mr. Speaker:** Order. Minister.

**Hon. Mr. O'Neil:** As was mentioned by one of the members behind me, it was because we have had quite a time cleaning up not only this mess that the Conservatives got into but also the Wyda mess.

Interjections.

**Mr. Speaker:** Order. Please be silent if you want a response. Once again I will wait.

**Hon. Mr. O'Neil:** As I mentioned, when we are dealing with Wyda we are talking about the IDEA Corp. the previous government put into existence, its board of directors, its direction and all the problems we have to clean up. It is the same thing. We are trying to clean up after Spectrum also.

#### NURSING HOMES

**Mr. D. S. Cooke:** I have a question of the Minister of Health. In view of the fact that the Crittenden report on the nursing home system of this province clearly indicated that the quality of care was better in nonprofit homes than it was in profit-oriented nursing homes and in view of the fact that he and his government have said they would favour an expansion of the nonprofit nursing home system, can the minister clearly indicate to us today whether his government is prepared to put a moratorium in place on the expansion of the for-profit nursing home system in Ontario?

**Hon. Mr. Elston:** I am not prepared to put a moratorium on the expansion of for-profit undertakings on the basis that a large number of services are being provided by the profit sector and there are a lot of good operations are going on. There are a lot of problems in the operations as well, as the member points out on occasion, but I cannot indicate that I can put a moratorium on a system where there may be a need for beds in local communities, in small numbers, that can be accommodated by existing operations.

**Mr. D. S. Cooke:** Can the minister confirm what his assistant deputy minister said yesterday in the lockup in the nursing home amendments? Mr. Reid indicated that in the last year since this government announced its favouring of the nonprofit sector the ratio of nonprofit to profit

private nursing homes has not changed at all; in fact, there may be a higher percentage of profit-oriented nursing homes in Ontario?

**Hon. Mr. Elston:** I cannot confirm the numbers offhand. I will have to take a look at those. I can tell the member that in terms of two recent proposals for call, one in Cambridge and one in Kitchener-Waterloo, 43 beds were allocated to a not-for-profit organization at St. Luke's Place in Cambridge. The other 34 beds in Kitchener-Waterloo were allocated to a for-profit organization that was rated quite highly in the community.

When we make a decision on who is going to be a recipient of an allocation of beds, we take into account the ability of the people to provide the services: the most services, the best services and the best quality of care, as opposed to whether they are profit or not-for-profit.

That being considered, we do have a policy inside the ministry of helping not-for-profit organizations to make applications. We have seen the results when, for example, St. Luke's Place was awarded an allocation of beds in Cambridge just recently.

I suspect that over the next few weeks we will be able to indicate other not-for-profit organizations that are successful in their answers after the call for proposals. I am looking forward to assisting them in any way we can.

#### IDEA CORP.

**Mr. Pope:** My question to the Minister of Industry, Trade and Technology concerns the Wyda investment, an investment that has Liberal Party written all over it, with the minister's responsibility in that matter. I will remind him—

**Mr. Speaker:** By way of question, I hope.

**Mr. Pope:** —that in August, the standing committee on public accounts unanimously called for an audit of a number of individuals and companies connected with this matter. The minister systematically frustrated that over a four-month period. He never did have an audit until the Ontario Development Corp. moved in four weeks ago. He then brought in the Ontario Provincial Police, who are going to report to the Attorney General and acting Solicitor General (Mr. Scott). He was involved in a meeting with some of the principals in this matter in July.

We want to know why the minister is systematically refusing a full judicial inquiry into this matter so that all the facts can be known.

**Hon. Mr. O'Neil:** I have complete faith in the OPP reporting to the Attorney General and

complete faith that he will handle the report in the way it should be handled.

The public accounts committee was dealing with it, but when the member made certain requests about that company that were not answered, it triggered the accountants and the OPP coming in. Because he asked for that, we put in these people.

**Mr. Pope:** That says a lot about this minister. Unanimously in the committee, we said we were not getting the information. For three months, he did not audit the matter. In the meantime, the principal left the country. The minister did not call in the OPP until the matter went into receivership. He has still not provided any information to the public accounts committee.

I took the advice of the Premier (Mr. Peterson). We asked for a meeting with the OPP because it is obvious we are not going to get any answers out of this government.

Will the minister have a judicial inquiry or not?

**Hon. Mr. O'Neil:** We have co-operated fully with the public accounts committee. The ODC has been in front of the public accounts committee on at least two occasions. In fact, the member was one of those who complimented it on the report it gave to him.

Interjections.

**Mr. Speaker:** Order. New question.

#### PROTECTION FOR HOME BUYERS

**Mr. Philip:** I have a question for the very conservative Minister of Consumer and Commercial Relations.

Will the minister admit that the proposal he tabled today allows a builder to sell homes on properties for which no subdivision plans have been registered or building permits issued? Will he not agree that his proposal still allows that practice, which was at the centre of the problem we have experienced lately? Why does he not ban the practice as a way of curing the problem we have experienced in the past few months?

**Hon. Mr. Kwinter:** The member should know that notwithstanding that builders are allowed to do it, the builder must notify the prospective purchaser of the status of either the building permit or the subdivision plan. Under the proposals announced yesterday, that has to be included in the documentation.

I would also like to comment briefly on the assumption that the problem is created by the fact that houses are being sold before registration.

That is one of the problems but it is not the major problem.

The major problem we have, and I want to emphasize this, is with relatively few builders. The building industry is being maligned by both opposition parties. It is an honourable, reputable factor in our economy, and it is one of the largest employers in this province. Only a few builders are creating the problem, and we are dealing with that. To suggest that the whole industry is at fault and that we have to come down heavy-handed on everybody in the industry is to do them a disservice.

**15:10**

**Mr. Philip:** I am hardly maligning the industry when I ask the minister to enforce the policies that were in place before the Conservatives dismantled the policy and created the problem with their last government. Let me tell the minister this—

**Mr. Speaker:** By way of question?

**Mr. Philip:** When I and a number of the purchasers of Ryan Homes met with officials of the Toronto Home Builders' Association only a few days ago, they admitted it would be possible for the ministry to design a standard contract that would give an equal balance to the interests of the consumer and the builder? Since the rather conservative home builders' association felt that was possible, why does the minister not get off his butt and design such a contract to protect the consumers in this province?

**Hon. Mr. Kwinter:** The member will know the announcement that was made yesterday was made by the industry; it was not made by this minister or this ministry. I made an announcement today stating what I was going to do under the Ontario New Home Warranty Program. The initiatives that were announced yesterday were a result of consultation by the industry. It was their initiative. It was their resolution of the problem. It was not mine; it was theirs.

#### COURT PROCEDURES

**Mr. Callahan:** My question is of the Attorney General. There are a considerable number of appeals before the Court of Appeal, specifically criminal appeals, where under the present rules, where application for leave to appeal is required, the application for leave is heard at the same time as the appeal.

I recognize that at the moment this is before Mr. Justice Zuber, who is considering all aspects of the criminal and civil justice systems. However, in the interim, as a short-term solution



to perhaps take some of the pressures off the Court of Appeal, will the Attorney General consider an amendment to the rules requiring that a leave application be heard—it can be, but it is not often done—prior to the matter being put on the list for a full hearing of the appeal?

**Hon. Mr. Scott:** The honourable member will be interested to hear that the Treasurer (Mr. Nixon) and I were just talking about that very question. As the House will know, on judicial matters, I take very seriously what the Treasurer has to say to me about the profession and matters of that type.

The suggestion the member makes is an interesting one. As he says, it is a matter for the rules committee, which is a committee on which the government has a representative. I will be glad to ask the rules committee to consider the matter.

**Mr. Callahan:** In addition to the application for leave to appeal, particularly in criminal matters where there is considerable concern because delays tie up the lower courts so that decisions cannot move through the process, I would ask the Attorney General whether he would consider the question of charter applications, which also seem to be tying up the courts considerably, and whether they might be heard in some pre-trial way. Perhaps the argument will be found to be unfounded and the matter can get on in the usual way.

**Hon. Mr. Scott:** I am not sure I can be as enthusiastic about that proposal. If one is concerned about delays in the courts, it is not a useful exercise, by and large, to make two separate hearings out of one, which is essentially what the proposal suggests. I will be glad to look at it for the member and report to him.

#### PROTECTION FOR HOME BUYERS

**Mr. Cousens:** I have a question for the Minister of Consumer and Commercial Relations; it has to do with the changes being made that are supposed to help new home buyers.

I do not see anything in what the minister is doing that puts in teeth to protect them when it comes to saying who the builder will be by virtue of the fact that there is no idea who is going to be the builder. You cannot tell who the builder is because there is no registry of builders. When you go to a builder, you might find he was in business last year under another name.

What guarantee is there in the recommendations the minister is making that a builder from whom a person buys will be reputable and will live up to the terms of the agreement?

**Hon. Mr. Kwinter:** If the member had followed what the announcement said, he would know the building industry announced that the new form, which will be an addendum to a regular contract, will require that not only the corporate name be there if it is a corporation but also the names of the principals must be included in the offer. The purchasers will know and we will know through the Ontario New Home Warranty Program. In case a builder is proposed for removal from the program and tries to set up another corporation, we will know who the principal is and we will know we have had problems with him before.

**Mr. Cousens:** The minister still has not solved the problem. There is nothing in this addendum that will be attached to the offer to purchase by a new home buyer that says what the minister is saying. There is nothing in that announcement that came out yesterday. That is my first point.

The second point is that there is no guarantee that a builder who has been disreputable and disbarred, so to speak, will not be in business with someone else. Is there any way the minister can remove the bad builders from the building industry? He cannot. He should tell me how he will.

**Hon. Mr. Kwinter:** The member raises an interesting question that does not pertain just to the building industry. In any business endeavour in this province, if someone registers a company as a limited corporation and that corporation has a problem, the person, whoever it is, can go on and do something else. We have it in the securities industry and many other industries where such things happen.

We try to be ever vigilant. We try to make sure we find out who the principals are. If we find these people are so-called bad actors, we are alerted to it and we prevent their registration. That is something we are working on.

Also, in the announcement I made today, we propose to publish a list of the good guys. Consumers can be guided by this list, which will be published by the Ontario New Home Warranty program, of builders who have a reputation for fulfilling their obligations.

#### ONTARIO STUDENT ASSISTANCE PROGRAM

**Mr. Allen:** I have a question for the Minister of Colleges and Universities with respect to student debt, particularly the case of Theresa Kruple, who after four years at Ryerson Polytechnical Institute graduated with a \$10,000 debt. She became an intern in her field at the pitiful



salary of \$470 a month. Under the Ontario student assistance program she was considered fully employed and incurred a further \$1,200 debt in the course of the next year. Then the loan went into default and the student is subject to harassment by collection agencies.

In the past, the minister has been asked a number of questions about OSAP reform and the answers have been very vague. May I ask the minister to do one simple thing this afternoon? Will he redefine "fully employed" under OSAP in such a way that the student in question may be entitled to a reasonable and clear salary level without having to incur further interest or to begin repayment of debt?

**Hon. Mr. Sorbara:** The honourable member puts a simple question but raises a rather complex issue. I know the member for Hamilton West undertook publicly to ask a question about Theresa's plight. I am glad he is doing it today.

It should be pointed out that of the \$10,000 debt, all but \$400 and something is owed to the federal government. One of the problems we have with student aid is that the federal government has not revised its Canada student loan program to bring it in line with the costs that students are experiencing today.

15:20

On the other hand, through my ministry, we have made substantial improvements to the Ontario student assistance program: an increment of about eight per cent during the current fiscal year and abolition of compulsory ancillary tuition fees during this year. These are in place right now and we are working on a number of other things, including improving the OSAP delivery system.

The kind of issue my friend raises today is an issue that is currently under consideration, not in a limited context but within a context of some more comprehensive reforms to OSAP.

**Mr. Allen:** The minister talked about total solutions and refused to respond to problems in particular cases. I do not think it is adequate to shuffle this off on the federal government. The simple fact of the matter is that the grants portion of OSAP, for which the minister himself is responsible, has been a declining proportion of the overall OSAP commitment.

Why is it impossible for him to stand in his place today, after giving in his first statement as a minister his commitment that OSAP reform would be his first and highest priority—

**An hon. member:** Where is it?

**Mr. Allen:** Where is it? Exactly. Why can he not give us some very specific commitments? For example, why will he not extend grant eligibility so that students will not get into debt to the extent they are? Why will he not redefine the full employment category in the fashion I suggested, which is his responsibility?

**Hon. Mr. Sorbara:** I hear a "Hear, hear" from the president of the Ontario Federation of Students, who has joined us in the gallery today. He should know that is out of order from up there, but it is good to see him here because he is very concerned about that issue.

My friend raises another important point: grant eligibility and the level of grant assistance. He knows the Ministry of Colleges and Universities and I as minister are responsible for that major part of student assistance. That is what we are currently looking at. As I told the president of the Ontario Federation of Students, we will have completed our review probably in the early spring.

I will not tell my friend the member that we are going to raise grants or that we will revise the approach to employment subsequent to leaving school today. We are looking at it and I thank him for his recommendation.

#### VISITOR

**Mr. Laughren:** On a point of privilege, Mr. Speaker: I know you will want to join with me in welcoming the member for Parliament from Nickel Belt federal riding, John Rodriguez. John has fought back from both political and health setbacks and continues to be one of the most productive members of Parliament in Ottawa.

**Mr. Speaker:** Thank you for that point of information.

#### PETITIONS

##### SCHOOL FUNDING

**Mr. J. M. Johnson:** I have a petition signed by 245 concerned parents from Shelburne and area which reads as follows:

"Shelburne Junior Public School has served the Shelburne community well for 87 years, but now it needs to be replaced. It is badly overcrowded. The fire marshal's office no longer thinks it is safe. It would cost in excess of \$1 million to renovate and maintenance costs are prohibitive. We, the undersigned, agree that Shelburne needs a new public school—now, not in 1990."

I support this petition.

## SUNDAY RACING

**Ms. Bryden:** I have another petition about Sunday racing, signed by 34 persons. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Ontario Racing Commission in its hearing into the Ontario Jockey Club application for Sunday racing at Greenwood Race Track has ruled that it does not have the jurisdiction to hear the concerns of residents surrounding the aforesaid racetrack;

"And whereas many residents have shown their concern with the impact of Sunday racing at Greenwood Race Track on their neighbourhood and have indicated their wish to voice that concern;

"That the government amend the Racing Commission Act to ensure that the rights and concerns of residents in the neighbourhood of the racetrack and in the surrounding community be considered and protected by the Ontario Racing Commission in setting racing dates, times and schedules;

"Further, that the legislation provide that the long tradition of no Sunday racing at Greenwood Race Track be maintained."

I support this petition.

## SUNDAY TRADING

**Mr. Brandt:** I beg leave to present two petitions to the Honourable the Lieutenant Governor in Council and the Legislative Assembly of Ontario on behalf of 47 names on the first petition and 1,773 names on the second petition, all of the signatures on these petitions indicating strong opposition to Sunday store openings.

**Mr. McLean:** I have a petition signed by approximately 70 Ontarians, which reads as follows:

"We, the undersigned, of the Orillia Christian and Missionary Alliance Church oppose the opening of retail stores on Sundays in defiance of the Lord's Day Act. We feel that families need a day of rest to be with each other, and when stores are open, employers demand that their employees work and erode their family privileges. We feel that strong families are an integral part of society."

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr. Callahan from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr6, An Act respecting the City of Windsor;

Bill Pr7, An Act respecting the County of Huron.

Your committee begs to report the following bill as amended:

Bill Pr40, An Act respecting the City of North Bay.

Motion agreed to.

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Brandt from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1987:

Ministry administration program, \$8,861,000; commercial standards program, \$6,114,200; technical standards program, \$8,273,300; public entertainment standards program, \$17,810,300; registration program, \$35,550,900; and liquor licence program, \$5,986,700;

And that supply in the following supplementary amounts and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1987:

Public entertainment standards program, \$6,785,000; registration program, \$2,402,500.

## INTRODUCTION OF BILLS

### MINISTRY OF FINANCIAL INSTITUTIONS ACT

#### LOI DE 1986 SUR LE MINISTÈRE DES INSTITUTIONS FINANCIÈRES

Hon. Mr. Kwinter moved first reading of Bill 180, An Act to establish the Ministry of Financial Institutions.

L'hon. M. Kwinter propose la première lecture du projet de loi 180, Loi portant création du ministère des Institutions financières.

Motion agreed to.

La motion est adoptée.

**Hon. Mr. Kwinter:** Mr. Speaker, I am pleased to introduce the Ministry of Financial Institutions Act, Loi de 1986 sur le ministère des Institutions financières.

**15:30**

The creation of the Ministry of Financial Institutions announced by the Premier (Mr. Peterson) on March 26, 1986, recognized the need for a strong centralized authority in Ontario to address new developments in the financial system and to implement a strong and enhanced regulatory environment.

Since then, the ministry has been actively pursuing its multiple mandate to ensure that confidence and trust in a stable financial system are maintained, to provide protection for depositors and investors and to increase Ontario's domestic and international competitiveness in the financial service sector.

The act I am introducing today will provide the legislative framework the ministry requires to meet all its goals and objectives and to function effectively and efficiently within its mandate.

**COURTS OF JUSTICE AMENDMENT ACT**

Hon. Mr. Scott moved first reading of Bill 181, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

**Hon. Mr. Scott:** I am pleased to introduce today an amendment to the Courts of Justice Act, which deals with the retirement rules for provincial judges and masters. Under the existing legislation, provincial judges are required to retire at age 65. However, they may continue in office to age 75 if they ask for and receive the annual approval of the Chief Judge or the judicial council.

These discretionary annual extensions have been criticized by the Supreme Court of Canada because of their effect on judicial security of tenure. They have now been challenged under the equality rights provisions in section 15 of the charter.

This bill will eliminate the annual extensions and ensure that all judges have equal security of tenure regardless of their age. However, if we eliminated annual extensions without changing the retirement age, all provincial judges and masters would have to retire at age 65. Since experience suggests that is too young, we propose that all provincial judges be required to retire at age 70. This is, incidentally, also the retirement age for district court judges across Canada.

I hope the House will be able to give early attention to this matter that concerns our judiciary.

**WILLIAMS CREEK GOLD QUARTZ  
MINING CO. LIMITED ACT**

Mr. McFadden moved first reading of Bill Pr60, An Act to revive Williams Creek Gold Quartz Mining Co. Limited.

Motion agreed to.

**LOI DE 1986 SUR LA CITÉ DE TORONTO  
CITY OF TORONTO ACT**

M. Offer propose la première lecture du projet de loi d'intérêt privé 57, Loi de 1986 sur la Cité de Toronto.

Mr. Offer moved first reading of Bill Pr57, An Act respecting the City of Toronto.

La motion est adoptée.

Motion agreed to.

**LIFELINE ACT**

Mr. Sargent moved first reading of Bill 182, An Act to provide for a Basic Residential Power Rate Applicable to the Essential Energy Needs of Residential Households in Ontario.

Motion agreed to.

**ANSWERS TO QUESTIONS IN  
ORDERS AND NOTICES**

**Hon. Mr. Nixon:** I am tabling the answers to questions 82, 250, 298, 412, 513, 515, 516, 517, 521 in Orders and Notices and the interim answers to questions 451, 455, 495 and 496 [see Hansard for Thursday, December 18].

**ORDERS OF THE DAY**

House in committee of the whole.

**ENVIRONMENT ENFORCEMENT  
STATUTE LAW AMENDMENT ACT  
(continued)**

Resuming consideration of Bill 112, An Act respecting the Enforcement of Statutes related to the Environment.

On section 12:

**Mr. Chairman:** When we left off yesterday, I believe we were on section 12. You will have to refresh my memory about exactly where we were.

**Hon. Mr. Bradley:** I request that the officials of the legal department of the Ministry of the Environment be permitted to be on the floor of the House.

**Mr. Chairman:** Is there unanimous consent?  
Agreed.



**Mr. Chairman:** I am advised that Mrs. Grier had the floor, although we are in committee. If she wishes to lead off, that is fine.

**Mrs. Grier:** When we left off yesterday I was about to begin, I hope, to rebut the arguments put forward by the Attorney General (Mr. Scott) in opposition to the amendment to section 12, which I had moved. That amendment was the same one the committee previously adopted to section 10, which will broaden the right to seek a prohibited injunction when a conviction has been registered.

In answer to the Attorney General's arguments, I would like to point out that there are a number of safeguards to any abuse of this particular right if, as I hope, it is extended to individuals and to the courts themselves. The safeguards are, first, that no such order could be made unless the court actually convicts the person charged with the offence. Second, the court retains the discretion as to whether another order ought to be made and, if so, the terms and conditions. The third safeguard is the right of the accused to argue against the details of that order.

I think we could anticipate that if the accused was not happy with the order or envisaged that it would have the kinds of implications the Attorney General said it might have, the accused would certainly call upon the Minister of the Environment to support his case and to argue about the actual terms and details of the order.

It is important to note that the report on private prosecutions of the Law Reform Commission of Canada, with which I am sure both the minister and the Attorney General are familiar, broadens the rights of citizens to police the environment and recommends that they be given the right to seek remedial action, which is precisely what my amendment intends to do.

In the United States, citizens can bring actions for remedial action under the Clean Air Act, and citizens' suit provisions are being broadened, not narrowed, as the minister intends to do in this legislation.

#### 15:40

It is worth noting that the prosecutions against BEST Plating and Jetco Manufacturing, which resulted in jail terms for their directors, dramatized the concern about the environment and brought to many people's attention the need for jail sentences and strict penalties, such as the minister is envisaging in Bill 11. The provision that had those directors sentenced to jail was the right under the Municipal Act for a prosecutor other than the ministry to seek an action against the directors of those companies.

Finally, it is worth pointing out that the Ontario Labour Relations Board has the jurisdiction to make orders. The suggestion I am making in my amendment is not by any means unique. It exists in other jurisdictions and other pieces of legislation. It will not have the deleterious effects the Attorney General and the minister suggested it might and is well worthy of support. I hope the minister will reconsider his position.

**Hon. Mr. Bradley:** I am not attempting to be too informal, but when one puts a pen into one's pocket upside down, it has a devastating effect on a suit. Therefore, you will excuse the attire, which is not as common as it might be in this Legislative Assembly, although the colour is reasonable for Christmas if not for other purposes.

I have listened with interest to the arguments put forward by the two opposition critics. I think they are aware that when I was advancing the argument on behalf of the ministry yesterday, I was attempting, as I have on other occasions when amendments have come forward from the opposition, to explain why we did not include those kinds of amendments in our original bill, because we did get representations for them.

As I have indicated clearly, the reason is that we did feel there was a concern, particularly in section 12, about what might happen, but the opposition is not convinced of this. I am sure we can overcome the problem. We will, as has been suggested, be diligent in keeping an eye on those cases which have an environmental component before the courts to ensure that, if we have any input, we can make that input at the appropriate time.

If we can proceed, the amendment will likely go through.

**Mr. Chairman:** We are dealing with the amendment of the member for St. George (Ms. Fish), which is the same as an amendment of the member for Lakeshore (Mrs. Grier), to subsection 146c(1) of the Environmental Protection Act as set out in the bill.

Motion agreed to.

**Mr. Chairman:** The member for Lakeshore is withdrawing her amendment of similar wording?

**Mrs. Grier:** Yes.

**Mr. Chairman:** Ms. Fish moves that subsection 146c(3) of the Environmental Protection Act, as set out in section 12 of the bill, be amended by striking out "upon the application of counsel or agent for the minister" in the second and third lines and inserting in lieu thereof "upon

its own initiative or upon application by counsel for the prosecutor.”

This is again the same as an amendment of the member for Lakeshore to the same subsection.

**Ms. Fish:** The same set of arguments applies. Members will by now recognize and be familiar with the wording of the amendment. Since this has been discussed on two separate occasions, I do not think it is necessary to review the arguments save to say that I am pleased at the similar support from my colleague the member for Lakeshore and hope that the minister in his wisdom will see fit to agree with this motion.

**Hon. Mr. Bradley:** I have no further comment on this amendment other than to say it is the will of the House.

Motion agreed to.

**Mr. Chairman:** The motion of the member for Lakeshore is withdrawn.

Section 12, as amended, agreed to.

On section 13:

**Mr. Chairman:** Hon. Mr. Bradley moves that subsection 13(1) of the bill be amended by striking out “\$10,000” in the 16th line and inserting in lieu thereof “\$15,000.”

**Hon. Mr. Bradley:** This amends subsection 147(1) of the act by increasing the maximum penalty for individuals for a subsequent conviction from \$10,000 to \$15,000. A year in jail remains.

**Ms. Fish:** We are pleased to support the government amendment.

Motion agreed to.

**Mr. Chairman:** Mr. Bradley moves that subsections 147(2), (3) and (4) of the act, as set out in subsection 13(2) of the bill, be struck out and the following substituted therefor:

“(2) Where a corporation is convicted of an offence referred in subsection (1), the corporation is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

“(3) Where a natural person is convicted of an offence referred to in subsection (1) that results in any of the effects mentioned in clauses (1)(a) to (h), the person is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$10,000 on a first conviction and not less than \$4,000 and not more than \$25,000 on each subsequent conviction,

instead of the fine elsewhere provided for the offence.

“(4) Where a corporation is convicted of an offence referred to in subsection (1) that results in any of the effects mentioned in clauses (1)(a) to (h), the corporation is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$100,000 on a first conviction and not less than \$4,000 and not more than \$250,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

“(5) Subsections (1) to (4) do not apply unless the court is satisfied that the defendant was notified before entering a plea that a penalty would be sought under subsection (1), (2), (3) or (4).”

**Hon. Mr. Bradley:** It is my understanding that subsection 147(4) may see an even higher level before we are out of the House today. Subsections 147(2) and 147(3) of the act, as re-enacted by subsection 13(2) of the bill, provided for higher penalties for corporations and are replaced by subsections 147(2) to 147(4), inclusive, providing higher penalties for corporations, together with higher penalties for both individuals and corporations, where actual adverse effects result from an offence related to hauled liquid industrial wastes or hazardous wastes.

The changes in the penalties are summarized in the table that follows. I have a table that follows. I think all members are familiar with what that is.

As previously provided in the act and the July 1986 proposals, new subsection 147(5) provides the increased penalties under section 147 cannot be sought unless notice has been given to the defendant prior to a plea being entered.

**15:50**

**Mrs. Grier:** I have a further amendment to this section.

**Mr. Chairman:** Is this an amendment to the minister's amendment?

**Mrs. Grier:** Yes.

**Mr. Chairman:** Mrs. Grier moves that subsection 147(4) of the Environmental Protection Act, as set out in Mr. Bradley's motion to amend subsection 13(2) of the bill, be amended by striking out “\$100,000” in the sixth line and inserting in lieu thereof “\$250,000” and by striking out “\$250,000” in the eighth line and inserting in lieu thereof “\$500,000.”

**Mrs. Grier:** As I indicated yesterday in my remarks, my intent is to bring the level of the

maximum fines—and I want to stress that it is a maximum at the discretion of the courts—up to a level commensurate with the likelihood of what a major industry would have to spend on abatement equipment should it be convicted under this section of the act. It is also more in line with the costs of the cleanup.

As I said yesterday, the cost to the ministry of cleaning up the Dow spill was more than \$600,000. It is entirely appropriate that this level of fine be there, especially in view of the recent announcement by the federal Minister of the Environment that his draft legislation is going to include fines of up to \$1 million a day. I am suggesting only half of that.

**Hon. Mr. Bradley:** When we began to look at the fine levels that were in effect in the previous legislation, which had been there for some time, we felt it was necessary to increase those fines significantly, to appropriate levels, to send a message to the courts and, more important, to the potential polluters of this province that we were not going to tolerate it and that we were going to ensure it was more costly to be involved in a court case and be convicted than it would be to do the polluting.

Subsequent to our first proposal, there was one for a higher increase. Frankly, we could increase it to whatever figure anybody wants to increase it to. With the level of fine we have provided for, I think the message is clear what we mean about environmental offences.

I do not find offensive the other amendments that have been made by the member for Lakeshore (Mrs. Grier), because as she aptly points out, we are talking about maximums and the courts do not have to levy maximums. I am sure they are not going to levy maximums in cases where they are not warranted. On the other hand, it does give them some additional room to move. I think it sends that signal.

I point out that in comparison with the federal bill—and it is a draft bill, as we all know—that bill will be passing second reading today when we complete the committee of the whole House and third reading tomorrow, I hope. We will have a bill this Legislature can say we have actually put into effect, one that is supported by all three parties.

A point I should also make about the federal legislation is that they are dealing with the Criminal Code of Canada. When one is dealing with the Criminal Code, penalties normally are significantly higher than when dealing with provincial offences. These are going to be by far the highest penalties for provincial offences. I

also think the real deterrent for many people is going to be the potential jail sentence; that is what is really going to do it.

I am getting the time signal from across the floor, so I will be happy to sit down.

Motion agreed to.

**Mr. Chairman:** We were discussing the main motion of Mr. Bradley. Is there any further discussion? There being none, shall the amendment of Mr. Bradley, as amended by Mrs. Grier, carry?

Motion agreed to.

Section 13, as amended, agreed to.

**Mr. Chairman:** Mr. Bradley moves that the bill be amended by adding thereto the following section:

“13a. The said act is further amended by adding thereto the following section:

“147a. (1) Every director or officer of a corporation that engages in an activity that may result in the deposit, addition, emission or discharge of a contaminant into the natural environment contrary to this act or the regulations has the duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful deposit, addition, emission or discharge.

“(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

“(3) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted.”

**Hon. Mr. Bradley:** This motion adds a new section 13a to the bill, enacting section 147a, imposing a duty on the directors and officers of a corporation that engage in activities that might result in pollution. A director or officer who fails to carry out his duty to take all reasonable care to prevent the corporation from causing or permitting pollution is guilty of an offence whether or not the corporation is prosecuted or convicted. I think that is rather straightforward.

Motion agreed to.

Section 14 agreed to.

**Mr. Chairman:** Mr. Bradley moves that the bill be amended by adding thereto the following section:

“14a. The said act is amended by adding thereto the following section:

“1a. Effective the 31st day of March 1987, this act binds the crown.”

**Hon. Mr. Bradley:** Section 1a of the act provides that the act binds the crown as of March



31, 1987. This provides a three-month transitional period for ministries and crown agencies. Sections 25 and 30 of the bill, amended by subsequent motions, also relate to this amendment.

This is a matter of great interest and discussion on the government side of the House. Naturally, when we make the crown liable to the same rules and responsibilities as others, it means an awful lot; it brings the message home. I believe, as do members of the government, that we should adhere to the same rules and regulations as everyone else. The municipalities must. The private sector must. It places a greater onus on us, but that is as it should be.

**Mrs. Grier:** I would like to welcome the amendment and say that the addition of this amendment to the original bill, as drafted, indicates the minister's commitment to taking some action to clean up the problems. I will support it.

Motion agreed to.

Sections 15 to 24, inclusive, agreed to.

**16:00**

On section 25:

**Mr. Chairman:** Mr. Bradley moves that section 24 of the act, as set out in section 25 of the bill, be amended by adding thereto the following subsection:

"(7) Every sewage works constructed, extended or altered by the crown or by the former Ontario Water Resources Commission before the first day of July 1987 or that is under construction, extension or alteration by the crown on the 30th day of June 1987 shall be deemed to be constructed, extended or altered in accordance with an approval under this section."

**Hon. Mr. Bradley:** Subsections 25(1) and (2) of the bill relate to penalties under subsections 24(2) and (5) of the act and are dealt with under the penalties. The new section 1a of the act, section 14a of the bill, makes the Ontario Water Resources Act bind the crown.

The motion amends section 25 of the bill to add a new subsection 24(7) to the act to deem crown sewage works constructed or altered before July 1, 1987, or that are under construction or alteration on June 30, 1987, to be approved works. This gives municipalities that operate crown works and the crown the same protection from legal action for normal discharges as applies with respect to the existing approved municipal works.

Prior to the act binding the crown, crown works were reviewed by approvals personnel and

informally approved but did not require legal approval. The date of June 30 is designed to allow a transitional period for works already under construction or alteration.

Motion agreed to.

Section 25, as amended, agreed to.

Sections 26 to 29, inclusive, agreed to.

On section 30:

**Mr. Chairman:** Mr. Bradley moves that section 30 of the bill be amended by renumbering subsections (1) and (2) as subsections (2) and (3) and by adding thereto the following subsection:

"(1) Subsection 44(1) of the said act is amended by adding thereto the following clause:

"(u) classifying materials and exempting any class of materials from the application of this act or the regulations or any provision of this act or the regulations when the materials are used for a purpose that is a benefit to the public and that is specified in the regulations, and prescribing conditions to which any such exemption shall be subject."

**Hon. Mr. Bradley:** The motion, as well as renumbering subsections 30(1) and (2) of the bill as subsections 30(2) and (3), adds a new subsection 30(1) adding a clause (u) to subsection 44(1) of the act. This authorizes a regulation legalizing winter road salting by the Ministry of Transportation and Communications. A similar regulation exists under the Environmental Protection Act, Revised Regulations of Ontario, 1980, regulation 298. This will be required under the Ontario Water Resources Act as well since the act now will bind the crown.

The motion restricts the regulation-making authority by requiring a specified public benefit to be stated in the regulation. There is no such qualification in the EPA, clause 136(1)(a), "classifying contaminants and sources of contaminant and exempting any classes from the provisions of this act and the regulations."

Motion agreed to.

Section 30, as amended, agreed to.

Sections 31 to 33, inclusive, agreed to.

On section 34:

**Mr. Chairman:** According to my records, the next matter is an amendment by Ms. Fish to section 34, which is twinned with a similar motion by Mrs. Grier to the same section.

Ms. Fish moves that subsection 56(2) of the Ontario Water Resources Act, as set out in section 34 of the bill, be amended by striking out "upon application by counsel or agent for the minister" in the first line and inserting in lieu

thereof "upon its own initiative or upon application by counsel for the prosecutor."

**Ms. Fish:** This is one of the series of amendments we discussed earlier, removing the necessity for a specific ministerial approval. I hope we will similarly find support for this amendment.

Motion agreed to.

Section 34, as amended, agreed to.

Section 35 agreed to.

On section 36:

**The Deputy Chairman:** Mr. Bradley moves that sections 67 and 68 of the Ontario Water Resources Act, as set out in section 36 of the bill, be struck out and the following substituted therefor:

"67(1) Every person convicted of an offence under this act is liable, on conviction for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$5,000 on each first conviction and not more than \$10,000 on each subsequent conviction.

"(2) Where a municipality or other corporation is convicted of an offence under this act the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (1).

"(3) Subsections (1) and (2) do not apply in respect of subsections 44(4) and 46(3).

"68(1) Every person convicted of an offence under this act in respect of subsection 16(1) or clause 19(2)(b) is liable in addition to or in substitution for the penalties set out in section 67 to imprisonment for a term of not more than one year.

"(2) Where a municipality or other corporation is convicted of an offence in respect of subsection 16(1) or clause 19(2)(b), the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$50,000 on a first conviction and \$100,000 on each subsequent conviction and not as provided in section 67.

"(3) Subsection (1) does not apply unless the court is satisfied that the person was notified before entering his or her plea that a penalty would be sought under subsection (1).

"68a. For the purposes of determining the penalty to which a person or a municipality or other corporation is liable under section 67 or section 68, a conviction for an offence under this act is a subsequent conviction if the person or the

municipality or other corporation has previously been convicted of an offence under,

"(a) this act, other than for an offence related to subsection 44(2) or sections 45 to 48, on plumbing;

"(b) the Environmental Protection Act, other than for an offence related to part VII, sewage systems, or part VIII, litter; or

"(c) the Pesticides Act."

**Hon. Mr. Bradley:** This is for exactly the same reasons as previously in the bill. Similar to the other sections, we are simply now under the Ontario Water Resources Act. We are doing the same thing as we have done under other sections. I have no further comments.

**The Deputy Chairman:** Mrs. Grier has an amendment to the amendment.

Mrs. Grier moves that subsection 67(2) of the Ontario Water Resources Act, as set out in Mr. Bradley's motion to amend section 36 of the bill, be struck out and the following substituted therefor:

"(2) A municipality or other corporation that is convicted of an offence under this act is liable on conviction to a fine for each day or part of a day on which the offence occurs or continues of not less than \$2,000 and not more than \$25,000 on a first conviction and not less than \$4,000 and not more than \$50,000 on each subsequent conviction and not as provided in subsection 1."

**Mrs. Grier:** All this does is add to the Ontario Water Resources Act the same minimum fines as we have done previously in the Environmental Protection Act.

Motion agreed to.

**16:10**

**The Deputy Chairman:** Is there any further discussion on Mr. Bradley's amendment?

Motion agreed to.

**The Deputy Chairman:** Ms. Fish moves that subsection 70(1) of the Ontario Resources Act, as set out in section 36 of the bill, be amended by striking out "upon application by counsel or agent for the minister" in the first and second lines and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

**Ms. Fish:** Again, this is one in a series of amendments previously under discussion.

Motion agreed to.

**The Deputy Chairman:** Ms. Fish moves that subsection 70(3) of the Ontario Water Resources Act, as set out in section 36 of the bill, be amended by striking out "upon the application of

counsel or agent for the minister" in the second and third lines and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

Motion agreed to.

Section 36, as amended, agreed to.

**The Deputy Chairman:** Hon. Mr. Bradley moves that the bill be amended by adding thereto the following section:

"36a The said act is amended by adding thereto the following section:

"74(1) Every director or officer of a corporation that engages in an activity that may result in the discharge or deposit of any material of any kind with possible impairment of the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse contrary to this act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful discharge or deposit.

"(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

"(3) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted."

**Hon. Mr. Bradley:** This is similar to what we have done in the previous section.

Motion agreed to.

Sections 37 to 40, inclusive, agreed to.

On section 41:

**The Deputy Chairman:** Hon. Mr. Bradley moves that subsections 34a(2) and (3) of the Pesticides Act, as set out in section 41 of the bill, be struck out and the following substituted therefor:

"(2) Where a corporation is convicted of an offence under this act, the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (1)."

**Hon. Mr. Bradley:** This is again similar. It increases the financial penalties, as we have done in other sections of the bill.

**The Deputy Chairman:** Mrs. Grier moves that subsection 34a(2) of the Pesticides Act, as set out in Mr. Bradley's motion to amend section 41 of the bill, be amended (a) by striking out "maximum" in the second line and (b) by striking out "\$25,000 on a first conviction and" in the

fourth and fifth lines and inserting in lieu thereof "not less than \$2,000 and not more than \$25,000 on a first conviction and not less than \$4,000 and not more than."

**Mrs. Grier:** It is merely inserting in this piece of legislation the same amendment as we approved for the others.

Motion agreed to.

**The Deputy Chairman:** Shall Mr. Bradley's amendment, as amended, carry?

Motion agreed to.

**The Deputy Chairman:** Mr. Bradley moves that subsections 34c(2) and 34c(4) of the Pesticides Act, as set out in section 41 of the bill, be struck out and the following substituted therefor:

"(2) Where a corporation is convicted of an offence under a section mentioned in subsection 1, the maximum fine that may be imposed for each day or part of a day in which the offence occurs or continues is \$50,000 on a first conviction and \$100,000 on each subsequent conviction and not as provided in section 34a.

"(4) For the purposes of determining the penalty to which a person is liable under section 34a or under subsections (1) or (2) of this section, a conviction of the person for an offence under this act is a subsequent conviction if the person has previously been convicted of an offence under,

"(a) this act;

"(b) the Environmental Protection Act, other than for an offence related to part VII, Sewage Systems, or part VIII, Litter; or

"(c) the Ontario Water Resources Act, other than for an offence related to subsection 44(2) or sections 45 to 48, Plumbing, of that act.

**Hon. Mr. Bradley:** We are doing the same thing in this section as we have done in previous sections.

Motion agreed to.

**The Deputy Chairman:** Ms. Fish moves that subsection 34d(1) of the Pesticides Act, as set out in section 41 of the bill, be amended by striking out "upon application by counsel or agent for the minister" in the first and second lines and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

**Ms. Fish:** This is again to bring parallelism to the various acts.

Motion agreed to.

**The Deputy Chairman:** Ms. Fish moves that subsection 34d(3) of the Pesticides Act, as set out



in section 41 of the bill, be amended by striking out "upon the application of counsel or agent for the minister" in the second and third lines and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

Motion agreed to.

Section 41, as amended, agreed to.

**Hon. Mr. Bradley:** Can we pause for a minute in our proceedings while I discuss something? Can we have a moment's silence in our proceedings? It is not an adjournment. I just want to clarify something, if I may.

**The Deputy Chairman:** Is it agreed that we give a few moments to Mr. Bradley?

**Hon. Mr. Bradley:** One minute.

**The Deputy Chairman:** Agreed.

**16:26**

**The Deputy Chairman:** Order, please. Is there unanimous consent to reconsider the amendment to subsections 34c(2) and 34c(4), as set out in section 41 of the bill?

Agreed to.

**The Deputy Chairman:** Mrs. Grier moves that subsection 34c(2) of the Pesticides Act, as set out in Mr. Bradley's motion to amend section 41 of the bill, be amended,

(a) by striking out "maximum" in the second line; and

(b) by striking out "\$25,000 on a first conviction and" in the fourth and fifth lines and inserting in lieu thereof "not less than \$2,000 and not more than \$25,000 on a first conviction and not less than \$4,000 and not more than."

**Mrs. Grier:** To clarify, the first time I moved the amendment, in error, I moved an amendment to a regulatory section of the bill rather than to a section of the bill that imposes fines for actual polluting offences. The effect of this motion is to ensure that the minimum penalties we have adopted are applied merely for offences of pollution.

Motion agreed to.

Section 41, as amended, agreed to.

**The Deputy Chairman:** Hon. Mr. Bradley moves that the bill be amended by adding thereto the following section:

"41a. The said act is amended by adding thereto the following section:

"34g (1) Every director or officer of a corporation that engages in an activity that may cause an effect mentioned in subsection (3) contrary to this act or the regulations has a duty to take all reasonable care to prevent the corpora-

tion from causing or committing such unlawful effect.

"(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

"(3) The effect referred to in subsection (1) is any one or more of,

"(a) impairment of the quality of the environment for any use that can be made of it;

"(b) injury or damage to property or plant or animal life;

"(c) harm or material discomfort to any person;

"(d) an adverse effect on the health of any person;

"(e) impairment of the safety of any person; or

"(f) directly or indirectly rendering any property or plant or animal life unfit for human use,

"from a pesticide or any substance or thing containing a pesticide to a greater degree than would necessarily result from the proper use or storage of the pesticide.

"(4) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted."

**Hon. Mr. Bradley:** This is similar to other sections of the bill we have already approved.

Motion agreed to.

Section 42 agreed to.

**16:30**

On section 43:

**The Deputy Chairman:** Ms. Fish moves that subsection 37(3) of the Pesticides Act, as set out in section 43 of the bill, be amended by striking out "upon application by counsel or agent for the minister" in the first line and inserting in lieu thereof "upon its own initiative or upon application by counsel for the prosecutor."

**Ms. Fish:** This is the last in a series of amendments bringing parallelism to the various acts.

Motion agreed to.

Section 43, as amended, agreed to.

Sections 44 and 45 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Bradley, the committee of the whole reported one bill with certain amendments.

## INTERIM SUPPLY

Hon. Mr. Bradley, on behalf of Hon. Mr. Nixon, moved resolution 9:

That the Treasurer of Ontario be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing January 1, 1987, and ending March 31, 1987, such payments to be charged to the proper appropriation following the voting of supply.

**Miss Stephenson:** What is the amount?

**Hon. Mr. Nixon:** The amount is \$8 billion, and we will gratefully accept any comments and approval at the members' earliest convenience.

**Mr. Harris:** We want to have considerable discussion on this item. Perhaps if I had an indication—

**Hon. Mr. Nixon:** On a point of order: I am sorry—

**Mr. Harris:** I am getting to that. We are prepared to adjourn the debate at this time, if that is the proper way to do it, so we can get to the other orders, whatever they are.

I will yield the floor to the government House leader, who will explain this.

**Hon. Mr. Nixon:** On a point of order, Mr. Speaker, since we have lots of time: I consulted with the two House leaders and indicated that my colleague the Minister of Financial Institutions (Mr. Kwinter) was very anxious to have Bill 158 go forward, since it must be enacted, we hope and trust, before the end of the calendar year. There was this agreement, and I thought that in my absence, after the passage of Bill 112, we might have gone to order 25.

On motion by Hon. Mr. Nixon, the debate was adjourned.

## CANADIAN INSURANCE EXCHANGE ACT

Hon. Mr. Kwinter moved second reading of Bill 158, An Act to continue the Canadian Insurance Exchange.

**Hon. Mr. Kwinter:** This government believes the Canadian Insurance Exchange will result in substantial benefits to Ontario and to Canada as a whole. Foremost of these benefits is the retention in Canada of a large portion of reinsurance premiums that are currently leaving the country.

In addition, the exchange will act as a centralized market facility for general risks of a large nature where an efficient mechanism is needed for spreading risks. It will also provide an opportunity to expand the capacity for the general insurance market in Canada.

This special act enables the operation of the exchange as a market facility for the placing of insurance and reinsurance risks and provides the

exchange with powers of self-government. The act retains certain licensing and examination of regulatory powers with the superintendent of insurance. It also provides for the creation of a security fund for the protection of policyholders.

I am urging speedy passage of this bill because I believe it is important to have the Canadian Insurance Exchange established in time to take advantage of the reinsurance treaty renewal period starting January 1, 1987.

The Canadian Insurance Exchange can make a contribution towards relieving some of the difficulties now being experienced in the marketplace and provide a significant addition to Canadian insurance markets in the longer term.

**The Acting Speaker (Mr. Morin):** Are there any members who wish to participate in this debate? The member for Leeds-Grenville.

**Mr. Runciman:** It is the member for Leeds. I hope you are right about Leeds-Grenville following the next election.

We are supportive of the legislation. As usual, the minister is reluctant to indicate the origins of the initiative behind the Canadian Insurance Exchange. It was an initiative of the previous government. In view of the matters that have transpired, the crisis that developed in the insurance industry in the past year and a half in terms of the ability of Canadian firms to deal with the reinsurance industry, it should be mentioned here today that it indicated great foresight on the part of the previous government.

I want to go on record as complimenting the Minister of Consumer and Commercial Relations of the day, Robert Elgie, and Robert Hilborn, I believe, the gentleman who has been spearheading this project from the outset.

That is all we have to say on it.

Motion agreed to.

Bill ordered for third reading.

**16:40**

## INSURANCE AMENDMENT ACT

Hon. Mr. Kwinter moved second reading of Bill 108, An Act to amend the Insurance Act.

**Hon. Mr. Kwinter:** This act provides for the framework for Ontario's participation in a national compensation plan for the general insurance industry. This plan, the result of two years of co-operative consultation between the general insurance industry and the superintendents of insurance across Canada, will provide protection to the public in the event of the insolvency of a general insurance company.

In addition to protecting the public through the facilitation of an industry-financed compensation plan, these amendments to the Insurance Act have been developed with a view to reducing the possibility of insurance company failures through the implementation of new standards for insurance companies. These standards include increased capitalization levels and higher regulatory requirements.

We believe this compensation plan, when implemented, will enhance confidence in the general insurance industry and immeasurably benefit consumers. Ultimate implementation of the plan is dependent on federal government amendments to the Winding-up Act currently before Parliament.

I will be introducing motions to amend Bill 108 to reflect the consensus struck by the federal and provincial superintendents of insurance on certain regulatory issues and to be more consistent with recently introduced federal insurance legislation.

**Mr. Runciman:** I am not the critic in this area, and it has been some time since I have looked at this legislation, but drawing on memory, it seems to me there was some reference in the legislation to requiring that a certain percentage of reinsurance be obtained within Canada or within Ontario. Is that correct? Is that part of the legislation?

**Hon. Mr. Kwinter:** That is correct; it must be retained by licensed insurers.

**Mr. Runciman:** Can the minister indicate which section of the bill that is?

**The Acting Speaker (Mr. Morin):** This is out of order. Are there other members who wish to participate in this debate?

**Mr. Runciman:** I wish to participate in the debate. I am afraid I am at a bit of a loss here. There are a couple of areas I want to explore.

It has been some months since I have looked at this legislation, but one of the areas of concern was the fact that there was a requirement to obtain a certain percentage of reinsurance within Canada. I have not spoken to members of the industry, but it seems to me that is a rather inappropriate approach in terms of compelling the industry to obtain reinsurance within the boundaries of this country. I can see that some of the motivation behind it is perhaps to ensure the success of the Canadian Insurance Exchange. I do not know whether that is part of the rationale. I would certainly like to hear the minister's comments on that section.

I am also somewhat concerned about increasing the paid-up capital and surplus of property and casualty insurers from \$1 million to \$3 million. That may or may not present some problems for individuals and companies trying to get into the business. That is a rather significant amount of money. I would like to hear the minister comment on the rationale for going from \$1 million to \$3 million, what the response has been within the industry and whether he and his staff see it creating some problems in terms of new firms being created.

Those are the only concerns we have at this stage.

**Hon. Mr. Kwinter:** To address the honourable member's first question, the part dealing with the proportion that must be retained is found under clause 98(af) of the act, as set out in subsection 8(1) of the bill on page 6. It prescribes "a maximum proportion of risks that may be reinsured with insurers that are not licensed under this act and such proportion may vary for different classes of insurance." That will be covered under the regulations.

The regulation power is there if needed. It is to follow Quebec and federal regulations. However, no decision has been made yet as to what level of that has been required. The provision is there so we can make sure our regulations comply with other jurisdictions—the Quebec and federal jurisdictions.

**Mr. Runciman:** The minister indicated this brings the legislation into compliance with federal and Quebec legislation. I am wondering about that. What happens in terms of the other provinces? He was talking about Quebec and federal legislation. He failed to respond to my inquiry with respect to the increase from \$1 million to \$3 million and the concerns I expressed.

**Hon. Mr. Kwinter:** There is a phase-in period for new capital levels and these new levels are necessary to ensure that companies can meet the cost of claims and awards and to protect the public. That was the reason for raising it from \$1 million to \$3 million.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

#### INSURANCE AMENDMENT ACT

Consideration of Bill 108, An Act to amend the Insurance Act.



**Hon. Mr. Nixon:** I believe the minister would like to have some of his staff assist him at the table, if that is acceptable on all sides. Perhaps he can move down to a place where that can be done.

**Mr. Chairman:** Do we have unanimous consent to that?

Agreed to.

**Hon. Mr. Kwinter:** The motions I am going to bring are to reflect provincial-federal consensus on a more appropriate framework for legislation that will enable a general—

**Mr. Chairman:** Excuse me; what are the numbers of the sections?

**Hon. Mr. Kwinter:** There are four motions: section 3, subsection 24a(3); section 5, section 39a; section 7, section 97a; and section 8, clause 98a(f).

**Mr. Runciman:** Can I have copies of those amendments? Is that a problem?

Sections 1 and 2 agreed to.

16:50

On section 3:

**Mr. Chairman:** Mr. Kwinter moves that subsection 24a(3) of the act, as set out in section 3 of the bill, be amended by striking out “or” at the end of clause (a) and by adding thereto the following clauses:

“(c) an insurer named in an agreement entered into under section 97a as an insurer to whom subsections 1 and 2 do not apply; or

“(d) a reciprocal or interinsurance exchange.”

**Hon. Mr. Kwinter:** The purpose of this motion is to exclude insurers by agreement with the compensation corporation. This provides flexibility and it also excludes reciprocals in the way their business is conducted and is appropriate for inclusion in the compensation plan.

Motion agreed to.

Section 3, as amended, agreed to.

Section 4 agreed to.

On section 5:

**Mr. Chairman:** Mr. Kwinter moves that section 39a of the act, as set out in section 5 of the bill, be struck out and the following substituted therefor:

“39a(1) Subject to subsection 2, every insurer licensed under this act:

“(a) shall submit with the annual statement required by subsection 81(1) an opinion by an actuary as to the adequacy of provisions made for unearned premiums, unpaid claims and claims

adjustment expenses as of the end of the year covered by the annual statement; and

“(b) shall maintain assets exclusive of any investments of the insurer that are not authorized by this act or that were not authorized by law at the time of acquisition in an amount that bears not less than a reasonable relationship to the outstanding liabilities, premiums and loss experience of the insurer, all in accordance with such calculations as may be prescribed by the regulations.

“(2) This section does not apply to a mutual insurance corporation that is a member of the fire mutuals guarantee fund or to an insurer licensed to transact only,

“(a) the business of life insurance;

“(b) the business of accident and sickness insurance; or

“(c) the business of life insurance and the business of accident and sickness insurance.

“(3) Until the day five years after the day this section comes into force, the superintendent,

“(a) may accept an opinion under clause 1(a) from a person other than an actuary, if the person has comparable experience and training and is approved by the superintendent; and

“(b) may exempt any insurer from any requirement or requirements of subsection 1 or the regulations passed in relation thereto for a period not exceeding one year and such an exemption,

“(i) may be subject to such conditions as the superintendent may impose, and

“(ii) may be made retroactive to such date as the superintendent may specify.”

**Hon. Mr. Kwinter:** The purpose of these amendments is to provide the addition of premiums and loss experience in clause 39a(1)(b), which gives greater flexibility in regulation tests; the deletion of clauses in subsection 39a(1) makes the regulatory approach more consistent with federal regulatory tests for insurers, and subsection 39a(2) clarifies what life insurance is for the purpose of the exemption. Subsection 39a(3) is the old subsection 39a(4), and old subsection 39a(3) is deleted.

**Mr. Runciman:** What prompted this amendment? Was it input from the industry, or what occurred?

**Hon. Mr. Kwinter:** It was as a result of the passage of the federal Bill C-9. This is to make it conform to that bill.

Motion agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

On section 7:

**Mr. Chairman:** Hon. Mr. Kwinter moves that 97a of the act, as set out in section 7 of the bill, be amended by inserting after "policyholders" in the last line "and eligible claimants."

**Hon. Mr. Kwinter:** The purpose of this motion is to clarify that the compensation corporation can pay claimants directly and not only through policyholders.

Motion agreed to.

Section 7, as amended, agreed to.

On section 8:

**Mr. Chairman:** Hon. Mr. Kwinter moves that clause 98(af) of the act, as set out in subsection 8(1) of the bill, be relettered as clause (ag) and that subsection 8(1) of the bill be amended by adding thereto the following, as a clause of section 98 of the act:

"(af) exempting any insurer or class of insurer from any regulation made under clause (ae) subject to such terms and conditions as may be set out in the regulations."

**Hon. Mr. Kwinter:** The purpose of this motion is to permit reasonable exemptions by regulation.

**Mr. Runciman:** Are we confined to discussing the amendment, or can we talk about the section?

**Mr. Chairman:** Both, because we are on the amendment, but the amendment may affect the section itself.

**Mr. Runciman:** It is (af) I wish to discuss, and I made the comments in my earlier remarks. I am still not quite clear in respect to prescribing a maximum proportion of risk that may be reinsured. Insurers are not licensed under this act. I would like to hear the minister explain the rationale behind this whole approach. I know he mentioned the federal and Quebec acts and coming into compliance, but aside from that, what is the theory behind having this kind of requirement in the legislation?

17:00

**Hon. Mr. Kwinter:** The purpose of this motion is to make sure the policyholders and consumers in Ontario are protected. Sometimes a company doing business in the province may not have enough assets because it has most of its assets in some other jurisdiction. We had a perfect example of that with United Canada Insurance and the resultant problems that affected many of the people in the transportation and trucking industry. That company's parent was in

the United States and got into trouble there, which had an effect on what happened here. We want to make sure we protect the policyholders in Ontario and control the proportion of risk that is in some other jurisdiction.

**Mr. Runciman:** What does the minister consider to be an appropriate proportion? He is talking about doing that through regulation, but he must have some idea of where he wants to go with this.

**Hon. Mr. Kwinter:** As is stated in the section, it will vary, depending on the different classes of insurance. We are still in consultation with the superintendents of insurance in other jurisdictions, as well as with the federal superintendent of insurance, to establish what those levels will be, depending on the type of insurance coverage with which we are dealing. The classes of insurance will affect what the proportion will be. That will be done in consultation with the other jurisdictions that will be affected, so we can have some harmonization across the country.

Motion agreed to.

Section 8, as amended, agreed to.

Sections 9 and 10 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Nixon, the committee of the whole House reported one bill with certain amendments.

## INTERIM SUPPLY

(continued)

Resuming consideration of resolution 9.

**Hon. Mr. Nixon:** I do not have any particular opening statement other than what I said 20 minutes ago, that interim supply covers the period for the remainder of this fiscal year. Although interim supply covers a period of time rather than a number of dollars, it is estimated that the expenditure during that period will be about \$7.9 billion. I welcome the questions and comments of the honourable members and also their ready acquiescence.

**The Deputy Speaker:** Are there any comments or questions of the Treasurer?

**Mrs. Marland:** It is not a comment or a question.

**The Deputy Speaker:** Are there any comments or questions of the Treasurer? There being none, debate.

**Mrs. Marland:** I am rising today, December 17, with great pleasure to support the payment of the salaries of the civil servants, having had the enjoyment at lunchtime today of attending the

presentation by the Civil Service Choir in the St. Lawrence Lounge in the Macdonald Block. This was a first-time experience for me to hear this choir, which is made up of a broad section of employees of the province.

The Civil Service Choir is now in its 32nd year. It is conducted by John Cozens, who has been the conductor throughout all those 32 years. I feel all members of this House would want to recognize the commitment of the 100 or so members of this choir who, for the past two months, have donated their lunch periods twice a week to share with and for the benefit of all of us four very special performances this week.

Yesterday the choir was performing in the Legislative Building at Queen's Park. It performs three days in the Macdonald Block, with Thursday and Friday still left. Each day is a very extensive, complete program of beautiful musical works. Obviously, to present a program this comprehensive takes great dedication on the part of our civil servants. It also speaks to their individual talents and personal gift of music.

Along with Mr. Cozens as the conductor, they have Howard Baer at the organ and the brass quintet directed by Gordon Adnams. The solos have been presented by Mary-Lou Lonergan Dryden, soprano, and Norman F. Cuthbert, tenor.

It makes me as an individual member of this Legislature, and I am sure every other member, very proud of our civil servants. They are just as busy as the rest of us at this time of year; yet they choose to express their appreciation for the blessings of this season by sharing with us their gift of music.

In giving them good wishes this afternoon on behalf of the Progressive Conservative caucus, I was able to extend our very real appreciation for their commitment, for their service as employees of Ontario and for their joy and pleasure in this gift to all of us at Christmas. I know we will share in our expression of appreciation to them that the feeling of goodwill—that being the message of Christmas, through peace and love—will continue not only at Christmastime but throughout all the months ahead and throughout the year of 1987 as well.

**Hon. Mr. Nixon:** I would like to join with the honourable member in congratulating and thanking the Civil Service Choir. John Cozens was our director of protocol here for many years. When he was succeeded in that job, he continued to assist with the choir and has done a marvellous job.

Mary-Lou Lonergan Dryden is a good friend of mine. She is a Liberal by marriage. I am not sure whether that means anything, but she used to sing the national anthem at Conservative conventions; now she does it at Liberal conventions. She is a marvellous singer. I am looking forward to hearing the Toronto Mendelssohn Choir this week. She is one of its leading sopranos.

I want to join with the member in thanking the Civil Service Choir and Mr. Cozens for the work they are doing this year and have done in the past. We look forward to listening to their beautiful music for many years in the future.

**17:10**

**Mr. Philip:** On behalf of the New Democratic caucus, I would like to join with the Treasurer (Mr. Nixon) in his melodious sentiments. This is a chamber that often lacks harmony and therefore it is a pleasure that we sing from the same hymnbook, at least at this time of the year, in thanking this excellent choir.

I know the pride I have felt in having certain award-winning choirs from my own riding sing in the Legislature, but the one consistent treat we have on a regular, yearly basis is to listen to this choir. A lot of work goes into it and a lot of practice time, and they are to be congratulated. It is something about which we can all join together at this time of year in some harmony and in a nonpartisan way and say, "Thank you very much and merry Christmas."

**Mrs. Marland:** I appreciate the support of the Treasurer and of the member for Etobicoke (Mr. Philip) in sharing my expression of appreciation to this choir. I have only one regret. I have named some of the main participants in the program that is printed. Unfortunately, it does not name the members of the choir, and I hope that perhaps next year the program will contain the names of the members of the choir so we can also personally recognize them by entering their names into Hansard. None the less, their contribution is very much appreciated and well received.

**Mr. McCague:** I am not sure what that exchange had to do with interim supply, but the discussion usually is freewheeling and I am glad it was accepted by the chair, because that allows me to talk about everything and anything, even though I agree with the comments made by the three members.

**The Deputy Speaker:** Within some reason.

**Mr. McCague:** Within some reason, then. Woodstock? Would that be appropriate?



The Treasurer has asked us for the funds to carry on until the end of the fiscal year. Again I have to remind the Treasurer of his remarks and of his own personal stubbornness over a number of years. When interim supply was asked for, he could find every reason it should not go as long as the end of the fiscal year if the House was going to be sitting during that interval.

I understand the House may be sitting in two different sessions between now and the end of the year, and while he may have agreement with all House leaders that he should have the funds to go until the end of the year, it may well be unnecessary. We could talk about this after Christmas. However, we will be supporting the motion.

Now that the nice things have been said, we probably should be talking about the opinion of the London Free Press, for instance, which talks about "Nixon's Spending Splurge." No doubt the Treasurer has seen this article. It is too bad we are being asked to endorse his spending splurge, which will give him the funds to go to the end of the year. The article makes such comments as the following:

"Regrettably, the opportunity to slash a big chunk out of the deficit was missed this week. Instead of using the \$405-million windfall in revenues created by a buoyant economy to help bring the deficit under control, Treasurer Robert Nixon went on a spending binge."

I am sure the Treasurer does not agree with that sentiment, but there are a lot of his constituents who do. It points out a lot of other things. As I said, no doubt the Treasurer has seen it and probably disagrees with it, but I think it is a well-written article.

On the issue of the tax burden, the Treasurer will recall that he increased taxes considerably for 1985-86 and considerably again for 1986-87; at least he increased his tax take. He will know that a lot of people who pay income tax are not as familiar with the portion of their salary that goes in taxes, because it is deducted at source, as they are of sales tax, property tax and so on. Of these amounts, I guess income taxes are about half of all the taxes that are raised.

In the light of the buoyant economy, I would like to know why the Treasurer chose to raise taxes rather than let the taxpayers share in the good fortune he has this year in the form of revenues.

Yesterday, when considering a bill on assessments, we talked a little about some of the things the Treasurer said in years past. I apologize to the Treasurer for insinuating that every year he

raised the issue of why we brought this bill in time and time again and of why we did not get our house in order. Of all the people in this House, it is the Treasurer to whom it is most interesting to read back his comments. They were always freewheeling and sometimes off the subject but were always nicely critical of the government of the day.

I raise the assessment question because the Treasurer has said the province will reassess every property in Metropolitan Toronto. I would like to know from the Treasurer what the cost of this reassessment is going to be and what he is going to do if Metro and he cannot agree. As I understand it, the motion that came from Metro asking for an impact study had about 10 conditions, some of which the Treasurer will have some difficulty accepting. I would like to know what he is going to do and what the reassessment will cost.

In years past, the member for Brant-Oxford-Norfolk (Mr. Nixon) has mentioned, as he did yesterday in answer to a question I raised, the high regard he has for Darcy McKeough, as we have on this side. He mentioned: "It was not working too badly before Darcy started fiddling with it." It is a classic example of the rule that "if there is nothing the matter with it, do not fix it."

**Hon. Mr. Nixon:** Did I say that?

**Mr. McCague:** The minister said that. "I am quite concerned that the minister has shown none of his well-known ingenuity in moving towards the kind of solutions to the assessment problem the country is crying out for."

I acknowledge that yesterday the Treasurer did bring in a long-awaited amendment that will affect condominiums, a suggestion raised the year before by the member for Oakville (Mr. O'Connor), but now that the Treasurer has had two years to correct the problems he brought up back when the member for Mississauga East (Mr. Gregory) was the minister, I am surprised he has not been able in 18 months to correct what he mentioned.

The Treasurer also went on at some length about the farm tax rebate:

"As far as I am concerned, I do not mind receiving the cheques. I have been involved in a number of elections and I usually find these tax assistance cheques arrive a few days before the election. The time they are mailed out seems to be variable.

"I have a feeling the Minister of Revenue (Mr. Gregory) was sort of prepared to speed them up in case there was an election on November 22,

which is what we expected; that would be two days from now."

17:20

The Treasurer may or may not know the applications for the farm tax rebate cheques are very late this year. It may well be that a lot of the farmers will not have their cheques until after Christmas. He went on to say:

"Frankly, I am rather upset the cheques have not arrived in my post office yet. The minister has probably decided that instead of having the money arrive at our farm—by the way, the address is RR 1, St. George, Ontario—just before the election, he is undoubtedly going to have them arrive just before Christmas."

I would suggest the farmers would much prefer to have them before Christmas and not just before an election, which is what appears is going to happen.

In responding to various Treasury items over the past few months, I have raised with the Treasurer my hope that in the funds we are allocating to him, he will fund some of the projects needed in Dufferin-Simcoe. I have raised with him before the problems of the Dufferin Area Hospital in Orangeville and the problems of the Collingwood General and Marine Hospital, where 14 beds needed to be licensed.

I know the Treasurer to be an honourable man. I am glad he saw fit to fund 14 more beds in the Collingwood hospital. He also agreed to put up about \$50,000 in capital for the building.

I am a little upset that even though I raised it with the Treasurer on several occasions and with the Minister of Health (Mr. Elston) on many occasions, this government decided to send the parliamentary assistant to the Minister of Health to Collingwood to make the announcement. Instead of inviting the member for that area to the announcement, the governing party saw fit to invite the last Liberal candidate for that party to the announcement.

I know the Treasurer is a man of honour; I know he would not do that kind of trick. I know also he has enough clout in that party and hope this would not be the norm but just an oversight on the part of the minister or the Ministry of Health.

It may be that the questions we have in Orders and Notices are too expensive to answer, but I hope that because we will grant this money to the Treasurer until the end of the fiscal year, he will find enough money in his budget to be able to answer questions in less time than 12 months, for instance.

I am not sure which answers were tabled today by the Treasurer. We still have one question from December 9, 1985, which as of this morning was unanswered. We have one from October 27, 1986, when we requested a list of individuals employed in the office of the Chairman of the Management Board of Cabinet as of October 24; that is still unanswered. On October 22, information was requested concerning the number of copies, the production and mailing costs and distribution lists of annual reports printed since June 26, 1985; that is still unanswered. I hope there is enough to do that.

On June 3, the member for Etobicoke asked a question regarding Management Board and Canada Consulting Group Inc., which was unanswered as of this morning. There are also various questions regarding the census of the Ontario public service. I believe I have the answer to those; the Chairman of Management Board responded by saying members requested a copy of the survey and asked why such action had not been carried out sooner.

All these things indicate the Treasurer does not have sufficient money to have the staff to answer these questions in a prompt way. I know what he is going to tell me. He is going to tell me we put too many questions in Orders and Notices. Unfortunately, that is the only way we can hope to get information, and in many cases we have not been able to get it even through that process.

It will be interesting to follow pension reform in the province. I hope there is sufficient money in there to fund all the requests that have been made by various groups, in particular the teachers, about whom I have spoken to the Treasurer before. We still have a rather wishy-washy answer from him in that regard.

The Provincial Auditor is asking for more money, because he wants to give more reports on government waste. I would like to know whether the Treasurer has agreed to fund the auditor to report to us two or three times per year.

I would also like to know the Treasurer's current opinion on the amalgamation of the Ontario Institute for Studies in Education and the University of Toronto, or whatever he intends to do. I understand from the report from OISE that one of the problems both groups seem to have is funding.

I hope the Treasurer will have this matter settled by June 1987 at least, so it will be clear what his course of action will be and there will be ample opportunity for one or the other to have degree-granting powers. U of T has that power now, but the way it has been left at this point, the



whole question is still up in the air and the Treasurer has not come to the position I think two of his colleagues have, and that is the continuance of OISE.

He found out to his chagrin that OISE was a lot more popular than he thought it was in the first place. As I have accused him before, the only reason he was tampering with OISE was that he had made so many negative comments about it over a long period of years that he felt it was only fair to live up to the commitment he had made and decided he was going to disrupt the whole system.

I will be happy to have the Treasurer's answers to the points raised. As I said, we will be supporting the motion.

**Hon. Mr. Nixon:** I would like to use my two minutes to respond and at the end there may be some more general responses.

The member was somewhat critical that we have not used more of our resources to decrease the deficit. I want to recall for him and the other honourable members that in the so-called wind-fall, largely attributed to extra revenues from personal income tax, which is projected by our own officials in Treasury but which is based on projections from the officials of the Department of National Revenue in Ottawa, most of our extra revenue came from that source, and \$100 billion of that was used to reduce the expected cash requirement or deficit.

It is at the relatively low level of \$1.4 billion. I wish it were a lot lower, but \$1.4 billion still keeps us as the only province in Canada with a triple-A credit rating.

17:30

**Miss Stephenson:** By whom?

**Hon. Mr. Nixon:** Moody's.

**Miss Stephenson:** But not Standard and Poor's.

**Hon. Mr. Nixon:** Well, one out of two ain't bad. Actually, it is two out of three. We have been repositioned by the Canadian Bond Rating Service, which I know my immediate predecessor discounts rather readily, but I will be glad to read its views about Ontario's position in the Canadian economy to the honourable member if I have a chance later on.

The member for Dufferin-Simcoe (Mr. McCague) also asked about the cost of the impact study for Metropolitan Toronto. As he will know, we are upgrading the impact values to 1984 values. It may well be that before the reassessment occurs, we will also be able to have an impact study of 1986 values, but that would

have to be at least a year or perhaps 18 months from now. I will speak further on this later.

**Mr. Harris:** I am pleased to rise and comment briefly on one aspect of the comments made by the member for Dufferin-Simcoe—I had better get to it or I will run out of time—particularly with a view to this horrendous \$1.4-billion deficit that the Treasurer just referred to as wonderful. I understand the Treasurer. It is late in the day and it is the government's position to try to minimize the size of this deficit, but it is exactly that attitude that is the problem: people who intentionally try to slough off \$1.4 billion as a small problem. It is a massive problem.

I would like to quote something that reinforces what the member for Dufferin-Simcoe said. For the life of me, it bothers me. I know no media people will ever see this or hear this; none is even present during this particular debate. This is a little article that appeared in the press, buried on some page beside a whole bunch of other things. It says:

"Borrowings by federal, provincial and local governments during the third quarter totalled \$5.53 billion, a drop of 39 per cent from a year earlier, mostly because of the reduced federal deficit, Statistics Canada says. Borrowing by individuals, however, increased sharply to finance major purchases of consumer goods."

This reinforces my belief, and I believe that of the member for Dufferin-Simcoe when he calls it a horrendous deficit. In this case, it is the federal government that has reduced it. How times have changed in the past two years. Now the federal government is reducing it and the province is going the other way. I will comment on this further when I get an opportunity.

**Mr. Philip:** I will just pick up on one of the comments the member for Dufferin-Simcoe made, and that is with regard to the legislation the minister introduced yesterday or the day before on condominium taxation, which was passed. The member for Dufferin-Simcoe seems to think that somehow the member for Mississauga East, as minister, was gracious to condominium owners in bringing in legislation that would cause some equity in their taxation as compared to that of private home owners.

The fact of the matter is that the Conservative government and that particular former minister refused any action despite overwhelming evidence and research, which we tabled in the House, showing the inequities, and despite the fact that the minister himself had to admit at the time that the research was valid. It was only after a successful court case that the minister finally



came dragging his feet and brought in any kind of legislation.

The same has been true of the present government. This time last year I pointed out to the Treasurer and Minister of Revenue that it made absolutely no sense in a hot market to have condominiums reassessed every year. He finally agreed to make that one small change, but the inequities between assessments on condominiums and ordinary homes still exist. The minister has not dealt with that problem. While the legislation that came in yesterday or the day before at least may have solved the problem of taxes going up very quickly in a hot market for condominium owners, it did not solve the overall problem. I am sure the member for Dufferin-Simcoe will agree with that.

**Mr. McCague:** I heard the honourable member bring up the condominium subject. All I said when I made my remarks was that it was an amendment suggested last year by the member for Oakville. He cannot refute that, but he can certainly add to it, as he has done.

The Treasurer cannot get away with his triple-A rating when the agency whose rating has always been taken in this province still has Ontario at double-A plus. He should not try to sell that to us or the electorate. I asked why the farm tax rebates were so late and he did not answer. I asked what the cost of the impact study was and we did not get a figure on it. I asked whether he was going to agree to fund the auditor's reporting to this Legislature two or three times a year and he did not answer that. There are many others, but I would like to have the answers to those ones.

**Mr. Philip:** I was not planning on speaking today—

**Mr. McCague:** On a point of order, Mr. Speaker: I understand that a member can speak only once.

**The Acting Speaker (Mr. Morin):** Have you spoken before? Have you debated?

**Mr. Philip:** I have not spoken before in this debate.

**The Acting Speaker:** He spoke on questions and comments as a result of your debate.

**Mr. McCague:** On a point of order, Mr. Speaker: Is it not true that three members of this House spoke at the beginning, the member for Mississauga South (Mrs. Marland)—

**Hon. Mr. Nixon:** She spoke and we had comments. Then you spoke.

**The Acting Speaker:** And now it is the time for the member for Etobicoke to debate.

**Mr. Philip:** Once he has been around here for another few years, the member may learn the new House rules. If he had paid attention when the new rules came in, perhaps he would understand what the rules are. I have a perfect right to give a two-minute comment on his speech. If he listens very closely to what I am going to say—

**The Acting Speaker:** Order. I have already given the explanation.

**Mr. Philip:** If the member listens very closely to what I have to say, he will have two minutes to speak again in response to my speech, and some time later in response to any other member's speech. Now that the member understands this, I am sure I can get on with the comments I want to make.

I was particularly concerned at the obvious waste and mismanagement by this government as shown in the Provincial Auditor's report. As our party's critic on government spending, I have been dealing with numerous incidents of government waste and mismanagement. I am pleased the Provincial Auditor's report, which was just tabled, deals with some of the very issues I raised earlier in the year and documents much of the waste and mismanagement I and other members of the committee have been concerned about.

**Mr. Callahan:** Does it deal with your trips? Does it cover your trips?

**Mr. Philip:** My trips are open to a lot better scrutiny than some of the trips on that side of the House. If the member wants us to look at some of them, I think he will find his House leader will be less than open to that kind of investigation.

**The Acting Speaker:** Order, please. I remind the member for Brampton (Mr. Callahan) that we will have a period for questions and comments. He can do so at that time.

**17:40**

**Mr. Philip:** There were a number of items contained in the Provincial Auditor's report that no doubt were disturbing to the Treasurer. It showed there were inadequate inspection controls in the industrial health and safety branch of the Ministry of Labour, that these result in high-risk employers escaping inspection, companies not being inspected within the regular cyclical term, and low-risk work places being inspected while high-risk sites go unsurveyed.

That is a matter we in the New Democratic Party have been documenting for years. More particularly, we have been bringing it to the attention of the minister responsible for the swamp, the Minister of Labour (Mr. Wrye),

particularly during the past year, having held public hearings throughout the province on the matter of health and safety.

It was also apparent from the evidence heard by members of the standing committee on public accounts when we looked into the inadequate systems developed by the industrial health and safety organizations in this province. The Provincial Auditor, as a result of a motion I moved in the public accounts committee, did an investigation of the Industrial Accident Prevention Association. His condemnation of the management or mismanagement of the IAPA had to be accepted even by the Liberal members on that committee.

The result has been a 20-point motion, which will be debated in the House when that specific report of the public accounts committee is debated. It is a special report that had the support of at least the Conservative members and, for the most part, on most of its parts, even the Liberal members.

The auditor's report also showed inadequate inspection procedures within the Ministry of Community and Social Services for homes for the aged. As the report notes, the frequency and scope of the inspections were not specified. Actual inspections were infrequent, and the results were very poorly followed up and very poorly documented.

In particular, the auditor's report noted that many program supervisors stated they did not consider themselves inspectors, but rather liaison persons between the homes and the ministry. They were satisfied that, because of the good rapport that had been nourished between homes and themselves, all serious matters that occurred would be brought to the attention of the homes' administrators.

My colleague, our party's Health critic, has demonstrated over and over again in this House that this is not happening. The auditor has now shown without doubt in his independent inspection that we have been right on this issue. The report concludes that systematic and regular reviews by consultants in the homes for the aged are needed to ensure that appropriate standards of care are maintained. In spite of the overwhelming evidence presented by the Provincial Auditor, we have had disclaimers from the Minister of Community and Social Services (Mr. Sweeney) and apologetics from the government.

Another issue that should concern the Treasurer is the inadequate funding and monitoring of the public health programs by the Ministry of Health. Once again, these have been documented

by the member for Windsor-Riverside (Mr. D. S. Cooke). The auditor supports our contentions when he points out there is an uneven pattern of public health spending across the province and the current arrangements result in inadequate delivery of some mandatory health programs and continuing unevenness, particularly in northern Ontario. He points out that there is only minimal monitoring of the local activities that go on, and this combination of the lack of funding and the lack of monitoring results in shortchanging the public with regard to important health care concerns.

He goes on to say that there are poor administrative controls resulting in inadequate delivery of human services, and that has been a major concern of this party. The most striking example is the Ontario Human Rights Commission, which, on average, requires more than nine to 12 months to resolve a complaint.

To his credit, the Ombudsman of Ontario, when he first took over, noted that the same kind of problem existed in the Ombudsman's office. By bringing in a top administrator, Eleanor Meslin, and by developing an adequate computerized system to monitor constantly what was going on in a case, he showed there were ways of cutting down on the length of time in resolving a complaint. Mr. Acting Speaker, I know that you as a member of that committee are impressed by some of the progress that has been made over the last year and half in resolving complaints in the Ombudsman's office.

I say to the Treasurer that this same kind of strategy can be adopted in other services in this province. It is unreasonable that someone should have to wait for very long periods of time in order to get any kind of result.

A couple of examples of the kinds of complaints I have been bringing to the attention of various ministers is the length of time it takes to get any kind of result in the Workers' Compensation Board. Indeed, during the hearings of the standing committee on the Ombudsman, I was able to document excessive delays, and to his credit, Dr. Elgie, the chairman of the Workers' Compensation Board, did a full investigation. Things seem to be improving under his direction.

We also have just absolutely unreasonable delays in the processing of applications to Ontario Housing. For a person who applies for housing who is in desperate need, it is not uncommon to have wait six or eight weeks for a home visit. It is hard enough that there are more than 18,000 families on the waiting list and that



these people know that after they have at least been seen, interviewed and rated according to the points system, they are going to have very long delays, but it is absolutely unconscionable that people in need of housing should have to wait eight weeks even to have an interview, a home visit, from someone who will at least tell them (1) whether they are eligible to apply; and (2) how long it is likely to take in the process on the basis of their financial needs and other circumstances that are being evaluated.

The most important thing in any of the human services is to ensure that there is a quick intake. People can sometimes accept a wait if they at least have been seen by someone and know their claim or their application, as the case may be, is being processed; but for someone who has applied for housing to wait eight or 10 weeks even to have a home visit is simply not acceptable.

The auditor's report also talks about the poor management practices resulting in the waste of public funds by the Ontario Development Corp. Since this government took power, in the year 1985-86 alone, ODC loan losses totalled \$11.8 million. Considering the size of the portfolio, that is a very large loss. That is not counting, of course, the latest dramatic turn of events, in which Wyda has been taken into receivership and some of our worst fears seem to be materializing with the \$3.7 million or \$3.5 million that appears to have gone down the drain.

**17:50**

I find it absolutely inexcusable that, considering the circumstances around Wyda, considering the fact that the standing committee on public accounts has not been able to get the documents it requires, considering the fact that the matter is not only of a possible criminal nature but also of a political nature—and the police cannot make political evaluations—in the light of the circumstances, in the light of the allegations, in the light of the fact there are three possible problems at which the police are looking—one of possible income tax and revenue evasion, one of fraud and one of violations to the Corporations Act—and in the light of the fact there is a major political problem that should be investigated, the Premier will not say, "I am willing to be squeaky clean and have a judicial inquiry into this."

Surely it makes no sense, in the light of the experience of the public accounts committee in trying to deal with this matter, to have a committee that has politicians, including members on the government side, investigating a matter of this complexity and with these kinds of

serious allegations going on. It makes more sense to take it out of the political realm and to appoint a judge, who will do an absolutely independent public inquiry. One has to ask, if there is no smoke, why is the Premier afraid to let a judge examine it?

We have had what I consider a most disturbing practice of some of the ministers—not the Treasurer—being fairly loose cannons when it comes to talking about certain economic and spending matters. I have no doubt that the Treasurer is embarrassed by some of the statements of some of his colleagues.

In particular, the most irresponsible statement I can think of was the statement by the Minister of Colleges and Universities (Mr. Sorbara) that when this government went cap in hand and gave in to the excessive demands of Mr. Lewis it was because he would somehow be able to sue and get up to about \$10 million. When we challenged the minister in the public accounts committee about the figure of \$10 million, he said, "I never said it." Of course, on the radio the next morning, he was reminded by having the tape replayed of his exact statement; he had said it. Thank heavens for the CBC keeping its tapes of interviews with cabinet ministers.

It was fairly clear to us from the inquiry, which will now cease—much to the relief, I am sure, of the Treasurer, because he was the next witness, as I recall—

**Hon. Mr. Nixon:** I was a witness.

**Mr. Philip:** He was being recalled as a witness.

**Hon. Mr. Nixon:** I was the last witness, not the next witness.

**Mr. Philip:** One can tell the Treasurer had a major impact on the committee since members of the committee could not remember that he appeared there. We remembered the Minister of Colleges and Universities but we did not remember the Treasurer.

It was fairly clear from the evidence we had that the statement by the Minister of Colleges and Universities was completely unsubstantiated. In fact, under examination, when we brought before us David Harris, a barrister and solicitor, who had tremendous experience—

**Hon. Mr. Nixon:** I never heard of him.

**Mr. Philip:** Perhaps if the Treasurer had read Mr. Harris's books he would have heard of him. Perhaps if the Treasurer had consulted Mr. Harris before deciding to give away the shop to Mr. Lewis, the Treasurer would have got some good



legal advice and not have settled for that exorbitant amount.

The fact is, as the member for Nipissing (Mr. Harris) stated, it was questionable whether a crown employee could sue for wrongful dismissal. He stated that had the government introduced a motion indicating that Mr. Lewis was being dismissed for just cause, such a motion would hardly be challenged by a court, nor would a court rule differently from the Legislature. Last, concerning the so-called lifelong contract, according to the Master and Servant Act, no contract is longer than nine and a half years. Thus Mr. Lewis, having started in 1954 and having continued right up until 1986, had served more than what would be considered a lifelong contract.

I hope the Treasurer will tell us why he made decisions such as that with such poor legal advice. Surely when it comes to spending the taxpayers' money in such large amounts he could at least have had decent legal opinion. What happened was that when under public pressure, under pressure from the standing committee on public accounts and under pressure from the overwhelming legal evidence that the justification did not stand up, the government went back, renegotiated and found out that it could reach a reasonable agreement. If the original agreement the Treasurer and the Minister of Colleges and Universities wanted to pass off on us had stood, we would have been giving Mr. Lewis more in one month than the average pensioner in Ontario receives in one year.

Those are a few of the comments I wanted to make to the Treasurer, and I look forward to his response. For once I will not bring up the Province of Ontario Savings Office; however, it did occur to me today that these wonderful offices were started by the Treasurer's father. A public servant mentioned to me today, "Boy, if we had a bank in the Legislative Building." We have barber shops and all other kinds of services. You can buy cigarettes if you smoke, you can buy candies, you can buy a number of things, but you cannot bank here.

It might well be worth while for the Treasurer to consider opening an Ontario savings office branch in the Legislative Building or in one of the nearby public service buildings so that public servants and members of this Legislature would be encouraged to use the services of the Ontario savings offices. It would be a fitting memory to the Treasurer's father; not as fitting a memory, of course, as expanding the jurisdiction of the offices the way his father had originally intend-

ed, but none the less, a fitting tribute to open up a branch here.

With those comments, I am sure the member for Brampton (Mr. Callahan) will want to ask me some questions, since he was interjecting all along. I will sit down and give him his two minutes.

**Hon. Mr. Nixon:** The honourable member, as usual, has referred to the Province of Ontario Savings Office. I welcome his references because I do not think enough members are sufficiently interested in the Province of Ontario Savings Office.

He will be glad to know that just a few years ago, when I first came into the Legislature, the Province of Ontario Savings Office branch at Queen's Park was located in this building on the first floor in the west end. I think it was the pressure from the New Democratic Party for larger and more extensive office space that drove it out of here. If those people would just pull in their horns a little bit and stop acquiring so many new computers and so much new staff, then we could bring the bank back and I would undertake to consider that seriously.

The honourable member referred to a number of matters in the auditor's report. We have referred to them previously in the debates, particularly the Industrial Accident Prevention Association management issue. The report the honourable member refers to from public accounts will be an interesting and useful one, and I hope that situation can be improved.

The length of time required to get a decision from the Ontario Human Rights Commission is a matter of concern, but the human rights commission gives very careful attention to all the matters that are brought before it. Now that Bill 7 has had third reading and will soon receive royal assent over several dead bodies, it will no doubt have even more to do.

I am not going to respond to his reference to Wyda. That issue is discussed in the Legislature every day. The comments about Mr. Lewis seem to me a sort of echoing roll of thunder from a person who has had a bad meal. That matter is straightened up and behind us, and some time we can argue how effectively it was dealt with. I think it was rather effectively dealt with.

**Mr. Philip:** In the light of the time, I am sure I will have an opportunity to reply to the Treasurer at another time.

**Hon. Mr. Nixon:** The member has a minute or two.

**The Acting Speaker:** Does the member want to finish?

**Mr. Philip:** The matters I have raised, particularly Wyda, have not been dealt with adequately. We have had no indication from the government that it is dealing seriously with the auditor's report. A number of those ministries will be called before the standing committee on public accounts, and we will be looking into it in more detail.

As for the Treasurer's comments on the Province of Ontario Savings Office, it is great rhetoric but we do not see any action. I am sure

we will be pleased if the Treasurer, who has a slightly larger office than I have, might consider giving up some of the government space to an Ontario savings office. That might encourage cabinet ministers, who are better paid than we are, to deposit more money in the Ontario savings offices.

On motion by Hon. Mr. Nixon, the debate was adjourned.

The House adjourned at 6:02 p.m.

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No. 83

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 33rd Parliament**  
Thursday, December 18, 1986

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: C. L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 18, 1986

The House met at 10:02 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### EDUCATION AMENDMENT ACT

Mr. Grande moved second reading of Bill 80, An Act to amend the Education Act.

**The Deputy Speaker:** The honourable member has up to 20 minutes for his presentation and may reserve any portion of that for his windup.

**Mr. Grande:** Obviously, members of the Legislature are in different committees, but I am sure they are going to be here at 12 o'clock when the vote occurs.

Before I begin my remarks, I would like to thank some people. My thanks go to my friend and colleague, the member for Etobicoke (Mr. Philip), who has generously agreed to let me have his private member's spot so that this important private member's bill would come before the Legislature today. I would like to thank Dr. Jan Duksza, a former member of this Legislature, who debated this very same bill with the same principles in 1978, and Odoardo Di Santo, a former member of this Legislature, who debated a similar bill with exactly the same principles in 1982.

I want to thank the trustees of the Toronto Board of Education, who in the years 1981, 1982 and 1983 have done a tremendous job in bringing forward these issues and principles at the Toronto Board of Education, getting a final report out to the public and having public hearings on the matter.

As well, I want to thank the coalition to pass Bill 80, a coalition that was set up in the past two and a half to three weeks. It is amazing how people from every ethnic community, every third-language community, came together with passion to support this bill and to ensure its passage here in the Legislature today.

I want to thank them by name, and I will mention the organizations that make up the coalition to pass Bill 80: Canadian Arab Federation; Arab Community Centre; Chinese Canadian National Council, Toronto chapter; Chinese Canadian National Council for Equality, the

national chapter; Council of Chinese Canadians in Ontario; the Federation of Chinese Canadian Professionals; Association of Chinese Social Service Workers; Chinese Parents' Association; Federation of Chinese Canadians, Ontario; Chinese Lingual Cultural Centre of Canada; Ukrainian Canadian Committee; the German community; the Greek community of Metro Toronto; Hellenic Canadian Federation of Ontario; National Congress of Italian Canadians, Ontario region; National Congress of Italian Canadians, national region; National Congress of Italian Canadians, Toronto district; the Korean Education Society; the New Democratic Party advisory committee; the Greek advisory committee; the Ontario Coalition for Language Rights; the Portuguese Interagency Network; the Spanish-Speaking Family Association; the Ukrainian National Federation; the German-Canadian Congress; the Canadian Association of German Language Schools, Professor Hans Schultz; German Parents' Association of Toronto; Ontario Goethe Society; and Erhard Hoffmann who is the co-chairman of the heritage language committee of the Toronto Board of Education.

These people came together in such a short time to give such fantastic support to this bill and demonstrate support for it, and I thank them profusely.

Bill 80 basically does three things. It integrates the heritage languages during the regular school day; it allows boards of education to use third languages as languages of instruction; and it establishes a third-language advisory committee to help boards of education in the operation and management of a heritage program.

There are reasons I commend the passage of this bill today to the members of the Legislature. In the past 20 years to 30 years, Ontario's demography has changed dramatically. The 1981 census tells us that 40 per cent of the population of Ontario have neither English nor French as their cultural background. In 1981 as well, more than 50 per cent of the residents of Metropolitan Toronto had neither English nor French as their background. In other words, we are not talking about 100,000 or 200,000 people in Ontario; we are talking about and addressing the fundamental concerns of more than 3.5



million people in Ontario. The members of this Legislature should remember that.

The next reason is our commitment to a multicultural society. We have rejected the melting pot concept of the United States. We have said in many different ways and on many different occasions that we have a multicultural philosophy based on the idea that each and every of the many cultures in our country has something of value to offer and something to share with other cultures as together we strive to build a more ideal society where all can live together in harmony.

#### 10:10

The former government of Ontario enunciated a policy of multiculturalism with three elements: equality, access and participation, cultural retention and sharing. Our commitment to multiculturalism, to equality and to the dignity and rights of individuals in our province is meaningless and empty unless third languages become the cornerstone of our multiculturalism policy. I believe Bill Davis, the former Premier of our province, understood that when he said in 1977, "I strongly believe that every ethnic group has the right to maintain those facets of its unique identity that it regards as important."

In 1977, the heritage language program was introduced by the former government of Ontario. Thousands of children across the province are taking part in the program. However, the program was set up for after school and on Saturday, or where numbers justified there was an extension of the five-hour school day. To its credit, the Metropolitan Separate School Board extended the five-hour day from the very beginning in 1977 and the Toronto Board of Education followed suit with a limited number of schools for which the decision was made for an extended day. Other boards offered the program after school. Some boards to this very day do not offer the program at all.

While the program that was instituted in 1977 can be termed a success, we feel it needs to be improved. One of the comments made by the board of arbitration in the dispute between the Toronto Board of Education and the Toronto Teachers' Federation was, "An after-school program is capable of being construed as an afterthought."

The arbitration gives ample reason why third languages should become part of the school day. The main reason is respect. This is a very important word. If the cultures of the province are important, and we have agreed in this province that they are important, since language

is indivisible from ethnic identity, then such languages must become part of the school day.

On International Human Rights day, December 10, the Minister of Labour (Mr. Wrye) told us, "Human rights, like respect, are more easily defined by their absence, but also like respect, they are the exquisite centre of our lives." Third-language minorities are telling us through their complete support for Bill 80 that they demand that their schools respect their languages and cultures by integrating language and culture programs during the regular school day.

I want to go on to the second principle, to allow boards of education to use third languages as languages of instruction. Let me stress at the outset as forcefully and loudly as I can that third-language minority groups with which I have been in contact in the past 20 years as a teacher and as a politician have never suggested they do not want their children to learn to speak English. On the contrary, they realize that unless their sons and daughters learn English well, their chances for future employment will be hampered.

This is exactly why third languages should be languages of instruction. Researchers from all over the world, not least from our own province of Alberta, tell us that youngsters learn English a lot better and are more proficient in English if the learning is approached from the heritage language.

This change in the Education Act will also allow boards of education to bring in transitional bilingual programs to be developed for children who speak only a heritage language when they start school. Once this change in the Education Act is made, school boards may want to establish bilingual or trilingual programs for children whose parents want to revitalize their language and culture. It provides the schools with a flexibility in programming that does not exist at present.

Three of our sister provinces, Alberta, Saskatchewan and Manitoba, have made the changes I am recommending to the Legislature today. Third languages in those provinces can be used as languages of instruction in schools. We want that for Ontario.

I want to talk briefly about benefits. There are many advantages to all of us, not just to the third-language minorities, as a result of these changes. I want to mention three in particular.

First, it provides to every child in the province, regardless of ethnicity, sex, race, colour or creed, the right to learn a third language.

I want to quote one paragraph from an unpublished master's thesis in 1983 by Grace Feuerverger at the University of Toronto:

"In Canada, the policy of multiculturalism is based on the notion of a society committed to ethnic pluralism and ethnic group maintenance. Multilingual individuals may be able to contribute more fully to areas such as education, social welfare, diplomatic policies and international business affairs. It appears therefore to be consistent with Canada's economic and sociopolitical policies to promote the language resources of our ethnic language children. Heritage language and other language maintenance programs may therefore be more crucially linked to intercultural harmony and to international relations more than they realize today."

I want to end with another quote that sets out the third reason I want to mention. It comes to us from a brief from the Toronto district of the National Congress of Italian Canadians. In that brief, the congress writes:

"Perhaps one of the greatest benefits of heritage language teaching which is often overlooked arises in the economic sphere. For Ontario and Canada to have a significant number of its citizens fluent in the language of both today's and tomorrow's markets is a potentially enormous advantage. We have Canadians whose roots go back to China, Korea, Japan, the Philippines and India, to mention only a few.

"In the decades to come, we will need thousands of men and women, not only proficient in the languages of this region but with a profound knowledge of the cultures as well. For it will not be merely business knowhow which closes deals; it will be equally important to have an understanding of the nuances and minutiae of a specific country, its customs and traditions.

"We have to begin to prepare now for the future, which to some extent is already upon us. It would be shortsighted in the extreme to ignore the long-term rewards of heritage language teaching in our schools."

Finally, I want to commend this bill to the members of the Legislature. I hope the debate will be centred on the principle this bill talks about. Details and clauses can be amended, added, subtracted, taken away, however one wants to put it. The important thing, the signal it gives to 3.5 million people in Ontario today, is that voting in favour of this bill on second reading will signal that this Legislature is willing to go on to the next step of this important and fundamental concern to so many people in our province.

The bill can be taken to a committee where we can hash it over and we can change it, but the important thing is to address the principle today and vote in favour of it at 12 o'clock when we get the opportunity.

I wish to reserve the four minutes and three seconds left for the windup later on.

**The Deputy Speaker:** I should remind our visitors in the galleries that under the rules of the House no demonstrations are permitted.

**10:20**

**Mr. Cordiano:** It is an honour and a pleasure for me to be speaking on this very important subject today, dealing with the principle behind heritage language instruction and the continuance of language as an integral part of any cultural grouping and identity.

For our pluralistic society to move forward and for our society to be truly multicultural, language is of high priority in maintaining the distinctiveness of cultural identity. Without language as a distinguishing feature, multiculturalism has a hollow ring. It does not go far enough, if language is not given its full expression in the cultural identity of any ethnic group in this country.

Our society is made up of a large number of groups, which we term a cultural mosaic. We live in a very complex, prolific society, and the leading edge, at the forefront in maintaining that cultural identity, is language.

I want to touch briefly on some of the background with respect to the teaching of heritage languages. In the past while, since they have become a part of the extended day in our schools, the government has made a commitment of \$10 million a year to the instruction of heritage languages. Currently, 73 boards are offering more than 50 languages. As it stands now, the local board must decide on its own whether to offer the programs. They are not mandatory.

If the program is offered, it can be held on weekends, after school, etc. or, as is currently the case in some boards in Toronto, as a part of the extended day—a lengthened school day—rather than during the regular school day. As pointed out by my colleague, last year Toronto teachers objected to the extended-day option, but they lost in an arbitration handed down last June.

As I see it, Bill 80 proposes three fundamental changes: (1) it makes heritage language a language of instruction; (2) it makes it mandatory for a board to offer heritage language classes and (3) it allows heritage languages to be part of the curriculum for credit purposes.



I want to stress to the member for Oakwood (Mr. Grande) that I am fully supportive of the principal, but I want to look at his bill with particular reference to some sections, because I think it is important to point out some of the problems associated with his bill.

First, let me look at the question of heritage languages as a subject of the regular curriculum, and I will point out some of the pros and cons. I think the pros far outweigh the cons, and I want to go through this very briefly. Since languages other than English and French are currently being studied for credit purposes at the secondary school level, the ministry feels that overall language policy could be more properly co-ordinated if it were applied across both panels. At present, there is an inconsistency with respect to heritage languages not having the same legal status as modern languages at the secondary level.

The advantage of having it across both panels is that the program would be organized on a more educationally sound foundation and, as a result, the quality of these programs could be upgraded. If the Ministry of Education shared responsibility for the curriculum with the school boards, the program could be significantly improved. The curriculum, the guidelines and the resource materials could be part of the ministry's efforts put forward in this area. At present, however, the school boards have full responsibility for curriculum, supervision and hiring. In our multicultural society, this initiative would go hand in glove with the initiatives of this government and this party in its long tradition of advancing the cause of multiculturalism and enhancing the identities of each of the cultural groupings in our society.

Some of the people who are opposed to including heritage languages as part of the regular school day would add that the curriculum is already seriously overloaded and that they would upset the regular school day. Those are some of the arguments that have been put forward against the inclusion of heritage languages as part of the regular school day. As well, people point out that a significant financial commitment would be necessary to bring the program into the regular curriculum.

I want to refer to a number of other clauses, although I see time is running out. Very briefly, with respect to the question of having heritage languages as languages of instruction for transitional purposes, I point out that clause 235(1)(f) of the Education Act currently permits the use of languages other than English and French for

transitional purposes, so that provision does exist.

One problem we would face in making this mandatory for school boards is that it would probably be infringing on the local collective bargaining process. In addition, school boards would not have the right to make decisions that would accommodate local needs.

I want to move on to the mandatory requirement of a school board to form heritage language classes. One problem directly related to the bill that is put forward by my colleague is that, essentially, the program for students related to a heritage language community, subsections 277e(2) and 277e(3) of the act, makes no reference to other students. Presumably, where students not related to a heritage language community wanted heritage language instruction, the boards would not be required to organize the classes.

Frankly, I do not think the section goes far enough. Some provision should be made for students who do not belong to a particular grouping but who want to participate in the instruction of a language. As a result, with all due respect, the bill is too narrow in its focus and does not permit students who have no direct relationship to a heritage language to take part in that instruction.

I see I have about 50 seconds. I wanted to get to some other sections, but I do want to say I support the principle of instruction of heritage languages. It is fundamental to the existence of what we would call the cultural mosaic of this country. One cannot have a vibrant cultural grouping without the language. The language acts as the first and foremost barrier to assimilation. It is fundamental to our policy of having a pluralistic society and a multicultural society.

**10:30**

**Mr. Davis:** I am pleased to enter the debate as the Education critic for my party and in the historical tradition of my party's initiatives in the field of education in this province, which has produced one of the finest public education systems in North America, staffed with qualified, competent teachers. My party's previous initiatives have seen the creation of community colleges, vocational schools, specialized schools for the handicapped, the introduction of kindergarten and junior kindergarten classes, the encouragement and development of alternative programs and the delivery of programs, schools for the gifted and schools of the arts.

I remind the House it was the Progressive Conservative Party that recognized the educa-



tional needs and the necessity of preserving the cultural and historical roots of our ethnic community and citizens. The heritage language program was initiated by the Honourable Thomas Wells as Minister of Education. It has been our tradition, as a legacy of our party, to provide for the young people of this province sound educational programs. It is from that perspective I wish to make several remarks.

Already there is provision within the Education Act for the use of heritage language as a transitional period for a youngster to learn English. One inquires as to the intent of the author of the bill. Is it to provide for the right of a student to be educated totally in the student's heritage language to the total exclusion of English or French? What effect would such a program have on the future of young people in the job market of today and their role in our society? Is the intent really that a percentage of the students' time would be devoted to taking their cultural language and looking at their heritage roots? Is it the intent of the bill to provide instruction in language so that young people can develop a sense of pride in their cultural history and appreciate their roots? As we look at this bill, I think that is the essence.

If one looks at class size, the bill says it should be 20 or more students. What occurs in a school if there are only 18? Should that heritage group be penalized because the bill is so definitive? What happens if there are 34 students? Should the class be split evenly at 17 or should the class size be 34? It appears to me that section of the bill can be discriminatory against the minority ethnic culture groups within a specific school because they do not meet the criteria.

I know the answer will come forth from the third party that we can bus them, but even now for those who take French immersion programs and are bused out of the local neighbourhood to another neighbourhood, the parents and students are already asking for that program to be incorporated into the local neighbourhood school, for the essence of education in this province is the neighbourhood school and its diversity and its ability to meet the needs of the students.

Is it fair to request some students to be uprooted from the local community, to be bused to another community, to be denied the right to take part in the extracurricular activities of their own neighbourhood school? If we are to institute heritage language programs that are important in this society because of our mosaic makeup, then

it must be fair and just to every one of the minority and the ethnic communities.

I find it strange that the third party incorporates—and I applaud what they incorporate—the parents and members of the community on the advisory board, but it was strange in the Bill 30 debates and the transition committees that were established by the Liberal government and by our colleagues in the third party, that trustees were the representatives of the parents. They did not support the amendment that asked for parents' involvement and that of the community.

I assumed the author of the bill would have created, as we now have with the French language, a Languages of Instruction Commission to deal with the impasses that will surely occur, rather than turning them right over to the Minister of Education (Mr. Conway).

As a party, we must ensure that this proposal must provide and enact the dream of the heritage language people and the cultural groups of this province. In order to do that, if we are committed, I believe we must emphasize that the heritage language program in Ontario continue to address the aspirations of the ethnic community to preserve its cultural identity and heritage in the mosaic of Ontario society. We must ensure that the legislation we pass today, which we will support and champion across this province, has competent and well-qualified instructors, has excellent curriculum and learning materials, adequate textbooks in the cultural languages and substantial provincial funding to meet the educational costs of this program.

My party will support the bill by the member for Oakwood. We ask him to send it to committee for a friendly amendment. We know the Liberal government will surely want to send it to committee, that it will not allow it to die in Orders and Notices so that at a later point it can introduce its own bill.

It is time for the education officials and the cultural communities to sit down together and work on a bill that will meet the aspirations and educational needs of the heritage languages program of Ontario.

**Mr. Allen:** I am delighted to see the three-party accord that is developing on the floor this morning with regard to this bill. That is a major development in Ontario politics.

Recently, I had the very fascinating experience of being at a citizenship court in my riding of Hamilton West. Thirty-four candidates came forward for Canadian citizenship. They represented 32 different language backgrounds. That

is the reality of contemporary Ontario and contemporary Canada. What this bill seeks to do is to establish and recognize that fact as no other kind of legislation can. One can add up all of the multicultural services, whether they are sponsored by the provincial government or by the federal government or added to by municipalities and voluntary groups, but none of them can rival in significance the impact of having language programs in our schools that make it possible for people to live out of and live in and express themselves in the length and breadth of their lives in their own language.

It is not just a recognition of a contemporary fact. This bill reflects a heritage that in significant respects we have lost. There has never been a time in the history of this country, the geography of which extends from sea to sea and from the middle of the North American continent to the Arctic, in which this has not been a multicultural terrain, in which it has not been multilingual, in which it has not been multicultural. That is a fundamental reality of this country, and as the decades, the generations and the centuries pass, we have added to the numbers of groups that have participated in this reality.

The unfortunate fact is that somewhere in the mid-course of our history we somehow lost our nerve with respect to what that meant. We got caught up in concepts of what was sometimes called "integral nationalism," which said that, as a nation, we had to have one religion, one culture, one language, one people and all that nonsense, as though somehow rather submerging peoples into some kind of artificial homogeneity was going to produce a genuine people.

That dimension of our history came to its fulfilment in those great years of superpatriotism during the First World War, in which actual multilingual programs of education in various provinces of our country, including Ontario and Manitoba, for example, were stricken systematically out of the curricula of this country. There were institutions that trained teachers in bilingual and multilingual education in the first and second decades of this century; but in the second decade, in a great wave of English only, us only, unified nationalism, homogeneity, superpatriotism, those programs were demolished.

The turning point was 1916. For decades and generations, we have been living with a historic fact that repudiated our own identity as a people. The great challenge for us in our time is to recover that fact. We have done it respectfully and significantly, but not enough with respect to the French community alongside the anglophone

or English-speaking community in our country. We know the immense success that using French as a language of instruction in Franco-Ontarian schools has been, and what it has meant to that community. We know what French immersion has meant for countless and growing numbers of English-speaking students and those with other languages in our country.

**10:40**

This bill extends that principle into all the third-language groups of our country. While indeed there may be technical problems—there may even be a necessity to amend this particular bill—the important thing is to understand, debate and accept the fundamental principle it expresses. We can do that job when we come to committee of the whole House, hearings or however we go on to deal with this bill. The important thing for us is to recognize the reality it expresses, the identity it affirms and the vision of this country it underlines.

It has practical consequences for us. There is no country in the world better poised to play its role in the world of nations than this country by virtue of the multiplicity of language groups that have come here and found at least somewhat more hospitality, notwithstanding the suppression I have talked about, than they have found in some other countries, for example, to the south. Indeed, even Americans are now debating, in that country, bilingual and multilingual education by virtue of the movement of Hispanic groups in particular into the great republic to the south.

This is an issue of our times. If we resolve that issue we are poised to play a significant role in the world of nations. We have to capitalize on our language resources to provide the medium of exchange. If you do not have a medium of exchange you do not have an exchange of goods, let us face it. What is the fundamental medium of exchange in any society or between any two societies? It is language. As a result, language is the foundation of virtually everything we envision for our country. It is as clear and plain and basic as that.

When it comes to the problems some people raise in this respect: my goodness, if you spend all that time teaching children another language or teaching them in another language, how are they going to be able to talk to their compatriots in the common language of the nation? Let us be quite clear; if in fact it has done anything, French immersion has improved the language capacity in two languages of those students who have gone through those program. Studies show it



even improves those students' capacities in some other non-language subjects as well, including sciences and other cultural subjects.

From the very first studies that were undertaken in 1975 to establish whether heritage languages were indeed appropriate for instruction in our classrooms, it was clear in those studies that the relationship of pupils and families to their school was enhanced to such a degree that there was a marked impact on the accomplishment of the students. That has been reinforced in the history of heritage language instruction ever since.

It is critical that such language instruction be embodied in the central, integral daily part of the curriculum of our schools. While that makes some people nervous, it is important, first, to affirm that principle, and second, to get on with its application.

I think all of us remember Owen Shime's final statement in his examination of this issue with respect to the dispute that took place in Toronto around the heritage language question. We recall the central affirmation that unless this was part of the central thrust of the curriculum, the daily experience of students of all backgrounds in our schools, then one was creating two classes of students: ghettoizing third-language students who would take part in those language studies and placing on them temptations to prefer sports, athletics or some other extracurricular activity to a fundamental language involvement that they should have.

For all those considerations, but most of all for what it means for an affirmation of the identity of our province and our nation, I rise to support this bill. I hope the accord I have listened to continues throughout the subsequent history of this bill in our Legislature.

**Hon. Mr. Curling:** It is indeed a great pleasure for me to rise in this House today and speak in support of this important concept of heritage language instruction.

I take this time to applaud my colleague, the member for Oakwood, who has made this possible for me. I gather too that for a minister to speak on a private member's bill is not common practice, but this is very close to my heart, and to the heart of Canada and Ontario, as we proceed in developing what we call a multicultural society.

My own philosophy and experience have shown that three basic ingredients let man survive: his land, his religion and his language. If you lose your land, a certain identity is gone. If you lose your religion, it is another part of the genocide of man, of a race. If you lose your

language, again that would lead to the destruction and absolute genocide of any race.

It is essential to realize that language is more than just the spoken word. Often, as I hear my colleagues debate and talk about language, it seems to mean grammar or just transmitting words back and forth. It is more than that; it is more than the spoken word. It is a custom. Language is a direct reflection of culture, in many cases a culture that has been cherished and preserved for many centuries.

I recall spending about three and a half months in Kenya and noticing about 43 different languages, plus Swahili and English, being spoken by tribal groups there. Yet there was great harmony and a great amount of communication and understanding while preserving all those different languages.

I think Canada and Ontario have a very fortunate opportunity, an opportunity to see a nation growing in a multicultural society. How do we do that? Do we go about as legislators, very quickly put in a law and say this is the way we should go without really understanding first what language is all about? This society is predominantly English and French. However, we have a multiplicity of other languages that we must understand.

Language itself preserves and transmits a cultural and historical memory as nothing else can do. It is an expression. I often stand in this House and see other members who speak different mother tongues struggle to bring the emotion and passion of what they want to carry on or put in place by transmitting that in English. Somehow I feel there is something lost, because even after saying what he has to say, one can see within the psyche of that individual that his colleagues have not understood what was said and what was wanted.

Before we go about passing a bill, I want us to understand what it is all about. In my constituency, there are quite a number of different ethnic groups that speak different languages. As their representative, I must first understand those constituents. Like myself, they came here as immigrants, away from the land of their birth, and some of them away from their religion. One of the closest and most intimate things to those people is their language.

#### 10:50

How do we go about understanding or preserving that? Is it through the school process we have, instruction in the classroom, that will teach those languages? Is it through extended time outside regular classroom time that we



address that? My government has looked at this and realizes that what is in place does not go far enough and has to be reviewed. However, when I look at Bill 80, I am hesitant as to whether that is the exact way we should go now and whether we are ready.

My time is very short and there is so much to say about this. We have to review this very carefully, not rush through legislation but make sure we preserve the languages we speak about, not only the spoken word but also an understanding of the cultural aspects. We look today at the society we have in Canada and in the United States and wonder whether we can communicate with the Pacific Rim or with Africa; we have to understand not only the spoken word but also the culture of language.

My colleague has asked me to allow him a few minutes and I will sit down to allow him that time. We must look very carefully at this and not rush into it. We must get all three parties working together to get a heritage language bill that will serve the people, all Ontarians, very well.

**Mr. Shymko:** I am very pleased to join in the debate. It is fortunate that this time, on an issue of strong feelings and concerns, I am getting seven minutes instead of the one minute and some 20 seconds I had on another private resolution. I thank the minister for giving me the extra two minutes and my colleague for splitting his time with me.

I stress that we have the support of this caucus for my colleague's private legislation. I do not know how my Liberal colleagues will be voting on this; it is my understanding they may be split on the issue. I was happy to hear that during a standing committee meeting with the Minister of Citizenship and Culture (Ms. Munro), she declared publicly that she is supportive of the bill in principle. Today, we are speaking in principle; so I hope there will be unanimous support in principle from the governing party and then we will look at the details in committee.

I point out the tragedy of private legislation, in that we do not have the American congressional system or some other system where private members' bills can be guaranteed to pass. There is very little hope under our parliamentary system for private legislation ever to see daylight and become law. All this depends on the governing party.

It will be very unfortunate if we let this bill die in Orders and Notices. Having listened to the comments of my two honourable colleagues, I beg them to speak to their House leader and to the Premier (Mr. Peterson) and ask them not to kill

this bill in Orders and Notices. They can do it. They have the power because they set the agenda. I beg them to support this private bill. They can kill it. If their strategy is to talk very nicely today and then to kill the bill and introduce their own legislation some time in the future, it will be very unfortunate.

I do not have to address the issue of equity and the importance of Canada as a model for other countries and other jurisdictions in the entrenchment of the sensitivity of cultural and linguistic rights. I do not have to remind our colleagues as well—

**Mr. Cordiano:** You do not speak for the Conservative Party.

**Mr. Shymko:** I rarely interrupt my colleagues. I try to be nice.

Ask the francophone community in Ontario or in Canada if it can retain its culture without its language. Imagine the francophone community saying, "We would like to have only cultural guarantees but language is not important to us." Language is fundamental. Without language, we do not have culture. In the vast majority of cultures, it is fundamental.

I am pleased to see that in a confidential document I have received on the new multiculturalism policy of the present government, it is said on page 2 of that leaked secret document that culture is a fundamental human right. Ontario acknowledges that, and I would like members to remember it.

The second thing it says is that Ontario's policy on multiculturalism is to be interpreted within the context of the Constitution Act of 1982, specifically sections 15, 16 and 27. I remind my colleagues of a judicial study of the Constitution of Canada entitled *The Effect of the Charter of Rights and Freedoms on Provincial School Legislation*. It is a major study by Robert Fulton of British Columbia, who says:

"Although section 23 provisions deal only with two official languages, using section 15 and section 27, other minority groups with sufficient numbers of pupils could theoretically demand a right to education in their native languages. This could create some problems for some provincial governments, if they want to perceive them as problems, but reasonable limits clauses could probably be invoked to prevent the potential overwhelming expense of a multiple language education system."

He continues:

"Provincial governments today are not prepared to act in advance by preparing groundwork

legislation, but instead are waiting for court decisions clarifying the scope of section 23."

I support this; it is inevitable. I also congratulate my colleague; he is now giving statutory rights to multiculturalism.

**Mr. Grande:** From the bottom of my heart, I thank the members who have spoken in this debate. On a personal level, it culminates 20 years of work within the multicultural communities and within the educational system, as a former teacher and as a politician. I feel strongly this is a direction we should be going.

I did not say this direction had to be voted and go to third reading today, a month from now or four months from now. We have engaged in good debate on principle in terms of the makeup of our multicultural society and the makeup and identity of this country. It appears there is a consensus, as my friend the member for Hamilton West (Mr. Allen) has mentioned; I certainly hope it is a consensus. I hope the Legislature will speak with unanimity, with one voice, to the 3.5 million people of the province. Then they can expect the changes to the Education Act will occur.

I appreciate the concerns of my friend the Education critic for the Conservative Party, the member for Scarborough Centre (Mr. Davis). As I mentioned in my speech, we will get this legislation into committee and we will amend it. I am also very concerned about what happens if a minority group does not have 20 children. Where do they get this program? I hope the boards of education across the province will be flexible in that regard. However, members will understand I had to put down a number. The principle applies for one child, 20 children or 500 children, but in terms of cost and delivering educational services, as a province we decide there should be a pupil-teacher ratio. The Ministry of Education makes those decisions. Boards of education make those decisions on class size. Therefore, I tried as best I could to be as close to those numbers as possible, so that tremendous extra costs would not be incurred as a result.

**11:00**

We will go into committee and iron out these minor differences, but I am happy this Legislature spoke to the multicultural community with one voice today and said we would support it. In previous debates on this bill in this Legislature, the Minister of Education said he supported the bill in principle. When the Treasurer (Mr. Nixon) spoke to this bill in 1978, he said he supported it in principle.

Mr. Speaker, thank you for your indulgence and thanks to all the members who participated. I appreciate their support.

## FUNDING OF POST-SECONDARY EDUCATION

Mr. Cordiano moved resolution 75:

That this House strongly encourages the federal government to review and revise the policy it is pursuing to cut back significantly established programs financing transfers to the provinces, and this House further encourages the federal government to allocate additional resources both to basic funding of post-secondary education and to the federal granting councils for the support of basic research.

**The Acting Speaker (Mr. Morin):** The honourable member has up to 20 minutes for his presentation and he may reserve any portion of it for the windup.

**Mr. Cordiano:** As most members know—and if they do not, they should know—our country faces very intense international competition based on the fact that we are lagging behind in research and knowledge capabilities, gathering of information, new sources of information and new technologies. The role our post-secondary institutions will play in improving our ability to compete on a global scale is a crucial one to the success of our country's economic expansion in the future.

I want to quote what the Premier (Mr. Peterson) had to say at the first ministers' conference that took place last month. He said, "We must compete by putting the most advanced technology in the hands of the best-educated and best-trained work force." When addressing other provincial first ministers, the Premier indicated that "Canada cannot march to the music of 10 different bands."

We have to move in harmony. We have to move as one country. We must speak with one voice on the international front, as well as on matters of concern to this country internally. That is difficult to do at times, given the nature of our country, the vastness of it and its regional diversity, but it is essential that we move in harmony in this area.

As the Premier has stated, we must set a goal for ourselves to double spending on research and development within the next 10 years. The Premier called for a co-ordinated national science and technology strategy for Canada at the last first ministers' conference. He proposed that provincial ministers responsible for science and technology develop an action plan to match the research and development spending of our major industrial competitors.

We have seen, over the years, reports by the Organization for Economic Co-operation and



Development and other organizations indicating that this country seriously lagged behind in our efforts to spend on research and development and to promote basic research. This government is prepared to do its part and has made a beginning on what was called for as part of the national strategy.

We have made a commitment to our post-secondary institutions. Starting with 1985-86, we established three funds, which I am sure most members are familiar with, to address specific basic problems identified by the institutions themselves and by several important committees and commissions, such as the Bovey commission. We allocated \$50 million to these funds. These were referred to as the excellence funds for institutions. There was a teaching equipment and library enhancement fund, a research leadership fund and a faculty renewal fund.

The faculty renewal fund has since been expanded to provide \$84 million in a multi-year commitment to support the hiring of approximately 500 new faculty members. The fund will greatly increase the opportunity for young Canadian scholars. That is essential because our faculties require upgrading, and there is room for new blood to come in on the scene. That is always critical to establishing new ideas and approaches.

Our government has also undertaken measures to enhance greatly capital support to our post-secondary institutions. This past spring, a renovation fund was created with \$9 million allocated to it in the first year. At the same time, we committed \$24 million for 10 major capital projects at various universities throughout the province; for example, \$3 million towards campus redevelopment at the University of Ottawa, approximately \$4.5 million towards renovations of the science building at Laurentian University and approximately \$5.5 million towards construction of facilities for arts and social sciences at Wilfrid Laurier University.

As well, in the area of capital support, we committed \$30 million to the University of Toronto for the construction of a new facility for the faculties of forestry and mining and the department of botany. I also want to point out that the University of Toronto received approximately \$10 million for its new supercomputer. It will help the university in establishing a research capacity, which was lacking in many ways. We did not have that facility, and this will allow the university to respond to leading edge research requirements.

Our government is committed to continuing to work towards improving students' assistance programs. This is something that has come up as a serious problem from time to time, where many students face difficulty. I hear from students all the time with respect to the Ontario student assistance program and our ability to provide for the needs of students who are not financially well off. This year, in 1986-87, we provided an increase in OSAP funding of eight per cent.

**11:10**

I want to get back to our throne speech of April 22. I know members will be delighted to hear some of the highlights of that speech as I reiterate them.

**Mr. McFadden:** Were there any?

**Mr. Cordiano:** My friend the member for Eglinton (Mr. McFadden), I am sure, is very interested in this point.

**Mr. Pierce:** I can hardly wait. Go ahead.

**Mr. Cordiano:** We announced in the speech from the throne that the Premier's Council would be created to administer a \$1-billion technology fund, and this has indeed put Ontario in the forefront of economic leadership and technological innovation in this country.

**Mr. Laughren:** Sure.

**Mr. Cordiano:** You may have your doubts, but I think we have made a very big commitment to research and development, and we have to co-ordinate our efforts within the entire country. It is not good enough that Ontario is doing this on its own and that each province is creating its own fund and moving in different directions. We may be duplicating our efforts, and that is not a good way to respond in getting the most from scarce resources in this country. Research is a very expensive proposition, and those scarce resources have to be efficiently allocated.

The \$1-billion technology fund, headed by the Premier himself, tends to direct money to business, universities and colleges by way of shared financing. As a result, our government will act as a catalyst to stimulate joint ventures in strategic fields, and I think that is important.

I know many of my colleagues on the opposite side have called for an industrial strategy from time to time to co-ordinate efforts and address the problems in a strategic fashion and, in a way, the Premier's initiative in the creation of the council attempts to do that. It attempts to reach certain targeted areas to point out strategically what is required and to make decisions in assisting this province to expand in certain areas that will help the overall economy.



In addition, the speech from the throne announced this government's intention to encourage the development of centres of excellence in our post-secondary institutions and to establish research chairs.

On October 15, we announced a revised university research incentive fund, which will encourage universities and the private sector to enter into co-operative ventures. The program will be supported by the \$1-billion technology fund, and consideration will be given to many other initiatives as well.

Finally, I want to point out to members across the floor that we have made a significant commitment to our post-secondary education system. We have shown this by increasing funds, but it is not just a question of increasing funds and increasing operating grants. Certainly that is important, but it is what we do with the money, in the final analysis, that counts most. If we are simply increasing budgets and allocating these resources without looking at what is required down the road, then that will shortchange this province. We intend to look at what is going to happen down the road. We intend to devise a long-term strategy for our post-secondary institutions, as they themselves are aware of and are looking at those requirements down the road.

I want to get to the fact that the federal government has significantly cut back in basic research funding. This is very crucial. The decision to freeze the base budgets of the federal granting councils at their 1985-86 levels until 1990-91 is incredible. We are going to fall far behind. All the provinces are going to be very hard-pressed to make up the difference. The increasingly fast pace of technological advancement is not something we can just live with because we will fall behind year after year. We are already behind the other major industrialized countries. For the federal government to freeze base funding at 1985-86 levels will seriously hamper our ability to increase funding at the provincial level.

It is only societies that maintain research capacity of the required size and quality that can participate in our new technological society at large. The world is becoming a technologically common society because technology is easily transferable and knows no differences of language or culture. To participate in that advancement it is essential and crucial that the federal government maintain its funding levels or increase them. With its budgets decreasing in purchasing power, our ability to survive at the

forefront of leading-edge technology is rapidly eroding.

The matching grant program recently announced by the federal government in effect provides that every dollar the universities are able to come up with from the private sector for research will be matched by a dollar from the relevant research council to a maximum of six per cent per year. While the program has considerable appeal, I think it will be a failure because it is being viewed with a great deal of guarded optimism. I believe industry is holding back because it is more concerned with applied research as opposed to basic research, and that is a fundamental difference which is very important.

At this point, I want to say that the cutbacks involve not only post-secondary education but also health. This seriously hampers our ability to deal with the problems we face at the provincial level in our two most important areas, education and health.

As the Premier pointed out at the last federal first ministers' conference, "Financing payments and established programs transfers stand to cost all the provinces \$5.7 billion in funding for post-secondary education and health by 1990-91." The post-secondary component of these funding cuts equals the total budget of the University of Toronto for three years; so we can see how significant that cutback is.

Finally, it is essential that we recognize that established programs financing transfers to the provinces are fundamental to this province's ability to maintain its industrial base, to advance its economy and to make strides in new areas. We can say that for the entire country. I think leaving it entirely up to the provinces and our Treasury is quite shameful for this country. I ask members to support my resolution.

**11:20**

**The Deputy Speaker:** Do you wish to reserve the last two minutes and 20 seconds?

**Mr. Cordiano:** Yes.

**Mr. McFadden:** This is the spirit of peace on earth and goodwill to all, as everybody in the House knows. Consequently, I intend to be as charitable as possible in discussing this resolution this morning. However, I will say that the member's lack of goodwill nationally and his audacity is surpassed only by his lack of imagination.

When I first read the resolution, I thought I was suffering from déjà vu. It sounded identical to a resolution I thought I had debated in this House only a few months ago. When I looked

back in Hansard, what should I find but a resolution that was debated in this House on June 19. In effect, the resolution we are looking at this morning is a retreaded version of a resolution introduced by the member for Essex South (Mr. Mancini) and passed by this House on June 19.

While post-secondary funding is of great importance to this province, as it is to the entire country, it is strange that we should be debating today a resolution that is almost identical to the one introduced by another member of the same caucus only six months ago when there are so many other important resolutions and private members' bills of major importance to Ontarians currently languishing in Orders and Notices.

Even worse, all this resolution does in effect is condemn another level of government without setting out any creative or useful thoughts about the provincial government's agenda or programs. The member for Downsview (Mr. Cordiano) is displaying remarkable nerve, condemning the federal government's financial commitment to post-secondary education. Not only are the federal government's financial problems a result of the fact that its federal Liberal cousins under the stewardship of Pierre Trudeau spent money like drunken sailors, but also the current provincial government has done little to be boastful about in the area of post-secondary funding.

As the member may be aware, before the federal Liberals were relieved of office in September 1984, they had begun to reduce the amount of annual increase in the established programs financing. During the early 1980s, the federal Liberal government made some major cuts in the area of funding for basic research.

The honourable member may also be aware that in 1975 the Canadian government had a manageable annual deficit of \$3.8 billion. By 1984-85, the deficit had ballooned to \$37 billion. When John Turner ended his brief tenure as Prime Minister of Canada, interest payments alone on the national debt gobbled up more than 25 per cent of the federal budget.

This is a far cry from the excellent financial situation the current provincial government inherited after 42 years of Progressive Conservative administrations. Today, interest payments on the provincial debt account for only 11 per cent of the provincial budget, which is almost one third of what it is nationally.

The financial condition of this province which the Liberal government inherited from our party gave the current government a great deal of room to manoeuvre. It gave the current government the

excellent situation in terms of its books which has enabled the current government to make the various spending plans it has announced to this House in recent months. Yet what has happened in the area of post-secondary education in view of the sound financial position in this province?

During the recent provincial campaign, the leader of the Liberal Party, our current Premier, stated that university funding would be the "top government priority crucial to Ontario's future." Yet in 1986-87, even with the excellence funds added in, the percentage of the provincial budget allocated to universities was only 4.3 per cent, the lowest level in 20 years. When you compare the total provincial allocation to universities in 1986-87 and 1987-88, the increase is only 7.3 per cent, or only 3.3 per cent above the rate of inflation, at a time when provincial revenues are increasing by 9.6 per cent. In fact, funding for post-secondary education has been falling behind relative to other expenditures in this province, which indicates the lack of priority given to post-secondary funding.

During the recent election, the leader of the Liberal Party wrote to the Ontario Confederation of University Faculty Associations and stated, "A Liberal government would restore the federal-provincial sharing ratio of EPF expenditures to its 1977 level." In 1977, Ontario paid 25 per cent of the operating costs of universities and the EPF transfers accounted for the rest. In 1986-87, EPF will represent 90 per cent of the costs. In 1986-87, for the province to pass on the full value of EPF transfers and then pay 25 per cent of the costs, as promised by the Premier, would require the provincial government to increase its contribution by \$300 million. In 1985, in its newsletter, OCUFA stated that the province owed the universities \$300 million, according to the Premier's own election promises.

The provincial government has also neglected the capital needs of Ontario universities. The Bovey commission estimated the current value of the physical plant of Ontario's universities, physical plant built up under many years of Progressive Conservative administration, at \$3.5 billion. According to the Bovey report, between \$66 million and \$72 million is required annually for maintenance, alteration, renovations, additions to capital stock and building replacement. The \$40 million of capital funding grants announced by the Minister of Colleges and Universities (Mr. Sorbara) is inadequate to maintain the existing physical plant of Ontario's universities.



I submit that the member for Downsview should be a bit embarrassed to introduce this resolution. The Minister of Colleges and Universities was quoted in the September 30 issue of the *Toronto Star* as saying: "The fact is, were we to ignore post-secondary education, we might get elected with a majority anyway." This quote is evidence that this government's *raison d'être* is its own re-election.

There is no question that the federal government should be spending more money on research. In fact, a national conference sponsored by the federal government is going to be held early in 1987 to develop a national consensus in this area. The federal government should also be spending more money on day care, housing, social assistance for those in need, defence and a host of other areas; but it cannot, because federal expenditures must be made within the framework of fiscal responsibility, a concept clearly foreign to federal Liberal governments successively under Pierre Trudeau and John Turner; and apparently as well, I gather, to the presenter of the resolution this morning.

The federal government has been literally drowning in a sea of debt as a result of irresponsible spending during many years of Liberal administration in Ottawa. If the honourable member for Downsview should condemn anybody, he should be condemning Trudeau and his band of merry men and women, who mortgaged our future. Because of their irresponsible expenditures, about 30 cents of every tax dollar collected by the federal government are going towards the national debt. We have to move to change that so that additional funding can be provided for research and post-secondary education.

I am amazed that we would be debating a resolution in the House today that is strictly a recycling of a resolution we dealt with back in June on the same matter. I am amazed it would be brought in, in view of the fact that I am sure the honourable member knows very well the state of the national finances.

11:30

**Mr. Allen:** Mr. Speaker, I rise—

[Applause]

**Mr. Allen:** It is not often one is applauded simply for rising. I hope something to justify it will follow.

I rise on the one hand to support the member's resolution, because I think the motherhood concept embraced in it, namely, that the federal government should spend more money on post-secondary education and should address

more money to basic research, is something everybody should agree with. I cannot find it in my heart to oppose that proposition.

What I find most unusual is the circumstance in which the member finds himself vis-à-vis the history of his federal Liberal colleagues and some of the remarks the federal Liberal task force is making as it goes around Ontario today. Second, I have difficulties with the long rehearsal of all the accomplishments of the present government, which so far are minimal and not a great deal to write home about. However, let me come back to one of the central points at issue.

It was a former federal Liberal Minister of Finance, Mr. Lalonde, who set in train the series of events which the member for Downsview has decried and which he now wishes to see reversed. I have in my hand a report from the *Toronto Star*, dated March 10, 1983, which announced the six per cent rule Mr. Lalonde was imposing on transfer payments.

Subsequently, the federal Minister of Finance, who is in charge of those transfer payments, let us know that the explorations of restraint, which began before his incumbency, are leading to a \$6-billion reduction in the transfer payments under established programs financing over a period of four years, or \$1.5 billion per year. A substantial amount of that obviously represents a loss for Ontario, whose major investment in health and in post-secondary education is substantially financed under EPF transfers.

The member might have alluded to something of that history. I find it very interesting that Mr. de Corneille, the federal member in charge of the Liberal task force currently travelling around Ontario and the country to drum up support for the proposition that there should be more spending done in the post-secondary sector, appears to spend virtually all his time drumming on the back of the provincial government, according to a report I have in hand from the Kitchener-Waterloo Record, which recorded his remarks at the University of Waterloo.

The lead paragraph says:

"The federal government may have to get tough with the provinces in order to keep Canada's higher education systems from falling to pieces, says the chairman of the national Liberal Task Force on Post-Secondary Education."

The article concludes:

"Ottawa must take a stronger hand in the distribution of money for education. How can the federal government, which is responsible for taking tax money from Canadians, explain how it



is spending it, if it just throws money at the provinces to spend any way they want?"

Those words are not addressed to any old province but to the history of university post-secondary financing in Ontario and, not least of all, to the present government, notwithstanding a small turnaround in the funding of universities that has occurred recently.

May I also refer to the remarks made to the present Tory regime on February 15, 1985, in the Johnson report on post-secondary funding, prepared to help the federal Minister of Finance on that issue. It says:

"From the federal withdrawal from financing post-secondary education, it is posed in this way, that is, in terms in which those transfers are given unconditionally, trusting the provinces to use them as they will, it is not a foregone conclusion that the \$1.6 billion that would continue to flow to the provinces would in fact be spent on anything that the federal government had intended. It would be a matter of federal taxes being imposed and collected for the purpose of enabling the provinces to spend more to reduce their deficits. This may seem a rather direct way of stating the situation, but that in fact is the way it would be."

In other words, under the regime developed by the previous Liberal administration, it was possible to transfer moneys to the provinces in the guise of health and post-secondary education transfers and for them to be spent effectively in any old way the provinces wished. Under the Conservative administration, this province split those transfers 25 per cent to post-secondary education and 75 per cent to health in the latter years of that government.

That proportion has not basically been reversed under the present administration, and that is a fundamental fact to which I feel the member for Downsview would have wanted to call attention. The simple fact of the matter is that from 1977-78 until 1986-87, post-secondary education in Ontario as financed by the province and by the federal government saw federal established programs financing increase by 140 per cent on the one hand. At the same time, the Ontario government's grants to universities increased by only 90 per cent.

The message that needs to be conveyed is not simply a chauvinistic one from this Legislature to the federal government that it needs to pull up its socks but that all of us need to pull up our socks and to get on with the job of addressing the fundamental problems of financing post-secondary education in Canada.

It will do us no good to follow the recent report of Mr. Radwanski, who suggests we should corral our resources and create two superuniversities in Ontario as a method of resolving the problem. I do not think that would resolve anything. It would simply create two supermonoliths, and I doubt the result in terms of research, development or anything else would be greatly improved. It is a bureaucratic, mechanical answer to the problem—and not a very fundamental one.

With respect, the current administration surprised us by adding some significant amounts of new money to the universities. However, if we are going to take to heart the member's resolution, we must recognize that in terms of per student expenditure, that increase did not bring us up the national average in our post-secondary expenditures. It left us far behind still in terms of the Ontario per capita expenditures on university financing, and it left us even farther behind if we measure the national average commitment per thousand dollars of personal income in the province. If we take the last measure, we remain roughly \$400 million below the national average expenditure that would be expected of our system if we measured it in terms of personal income. The member should have been a bit more modest in stating what has been accomplished by this government and thrown his darts elsewhere.

When it comes to investing in science and research, the member is right. At an expenditure of about 1.3 or 1.4 per cent of our gross provincial product on basic research and development in this country, we are not going anywhere. We are falling farther and farther behind in the international race of our respective international economies.

It does not help when the federal government, with regard to the National Research Council, for example, decides it is going to lop off \$26 million of its research spending. What in heaven's name is that government thinking of? On the one hand, it takes \$14 million off basic research and diverts it to applied research in the space program, to a commitment it has with the American space program, and then cuts a further \$12 million off the NRC to accommodate its ill-advised approach to its federal deficit.

When the *Globe and Mail* stated, "One does not lightly nominate government departments or agencies for exemption from deficit reduction duty, but we question whether the nomination of this agency for that purpose has been wisely done," it hit the nail right on the head.

When it comes to the local research expenditures of this province, I suggest the government should be listening to Dr. Ernie Holmes, who is the dean of research at the University of Waterloo, when he says that putting a program such as this government's research initiative before us when we have 22 to one or 23 to one student-faculty ratios is really a very unproductive proposition.

11:40

**Mr. Knight:** I am pleased to rise to participate in the discussion of the motion put forward by my colleague the member for Downsview. Before I address the resolution, however, since this is, I hope, the last day before our Christmas break, I wish you, Mr. Speaker, and all members of the House a joyous holiday season, all the best and much success in 1987. I wish a little more success to my Liberal colleagues, but that is only a relative statement and not an absolute one.

When we talk about the Christmas season, however, we are reminded that there are Scooges around in this world, and the Scooge of post-secondary spending, in my estimation, is the federal government. The member for Downsview has brought forth a resolution encouraging the federal government to review its reductions in spending. It is a resolution that we all should support. The problem is, and it has been mentioned by the member for Downsview, the reductions announced by the federal government beginning on April 1, 1986, in the established programs funding, known as EPF.

I should indicate to those in the House who are not aware of what EPF transfer payments are that these transfers are made up of tax points yielded to the province by the federal government as well as cash payments, and they are to be used for health and post-secondary education. They are combined by the province into our consolidated revenue fund and paid out to post-secondary education and health as needed. Post-secondary education, as everybody will know, includes the university panel, the college panel and also the grade 13 portion of our secondary panel.

These reductions in transfer payments, even taking our own considerable increases into effect, mean that in the future what will not be coming from the top will have to come from the bottom, or there needs to be a rationalization of the system. It is obvious to me and, I think, to everyone that we have to be mindful in the future that we do not put an undue burden on those who will have to pay from the bottom, meaning the students, and that the preferable route is to encourage the federal government to continue its

necessary role in the financing of post-secondary education throughout the entire country.

I will not go into the kind of depth and detail that the member for Hamilton West (Mr. Allen) got into, but I would like to go over a little bit of the history of the EPF payments. Prior to the mid-1960s, the federal government paid 50 per cent of the post-secondary education costs. Then in 1975-76, the federal government indicated that the transfer payments were to be spent approximately 32 per cent on post-secondary education and 68 per cent on health. I believe I see a nod from the member for York Mills (Miss Stephenson), who will probably speak later and perhaps correct that figure. In any event, they ordered the priority.

As a result of federal government attempts to reduce the deficit, it has announced the reductions in the rate of growth of transfer payments for both health and post-secondary education. These reductions began on April 1, 1986, a full year before they were supposed to begin. In the October 1985 budget statement, the Treasurer (Mr. Nixon) estimated that the revenue lost to the province as a result of these cutbacks would mean approximately \$2 billion over five years and approximately \$6 billion for all provinces in the country.

In the province historically—and I am going back to the Robarts years—since then, there has been a decline in provincial spending on post-secondary education. As a result, the federal transfer payments became a higher percentage of the moneys that were allotted to post-secondary education in the province. When we took office 16 months ago, as a government, we inherited 10 years of underfunding. Since then, the Minister of Colleges and Universities has been working to reverse that trend. There have been changes in the Ontario student assistance program; I believe an eight per cent increase was announced last January. We have allotted funds to the university renovation fund and our faculty renewal fund, and there has been a substantial increase in operating grants to the post-secondary panel.

In January 1986, the minister in estimates indicated, "Our increases in operating grants and our excellence funds meet our commitment of passing through the full increment of established programs financing to the post-secondary education panel."

That is the present situation. We know we need the funding power of the federal government and its ability to tax and transfer resources. The federal government has and should have a concern and an involvement because of its



interest in the international dimension of education. Therefore, we must call upon it to reverse the trend of the diminishing of its role in the financing of post-secondary education.

I suggest that requires an interprovincial strategy for dealing with the federal government. In its throne speech, the federal government spoke of a national forum on post-secondary education. I suggest we direct that forum towards helping the federal government develop a proper policy direction, because it has been operating in a policy vacuum with respect to its funding of national post-secondary education.

If we can make sure the EPF transfer payment decisions are not simply between the federal Minister of Finance and the treasurers of the provinces, but rather that there is some involvement of those charged more directly with educational spending programs and priorities in the province, and if we can ensure that in the future the province is not driven by federal budgetary decisions and allocation mechanisms, perhaps the national forum can be a success. I suggest we should therefore call for an early date for that national forum.

**Miss Stephenson:** In the spirit of charity of this Christmas season, I rise to participate in this debate and to remind or perhaps suggest very gently to the member who has just completed his participation in this debate that most of his facts so far have been conveniently related to one period of time and have very deliberately neglected the absolute and actual source of the original problem regarding EPF, which was the artefact from Antigonish.

In 1980, he produced a budget that began the process of surgical laceration and radical excision of a very large amount of the EPF budget. It had been established on the basis of no specific allocation related to either post-secondary education or health, under the suggestion in 1976 of the then Prime Minister, that the provinces, which had full responsibility for these areas, should be able to make the decisions about what the proportion spent in those two areas should be.

In fact, in his remarks during the introduction of EPF in the House of Commons, Mr. Trudeau said very clearly that because the provinces had to determine what their priorities were, it was better to have no strings attached to the EPF funding. However, as soon as they got the EPF funding passed, they immediately began to think about reducing the increase of the rate of growth that they had promised as a result of the federal-provincial discussions.

**11:50**

As I said, in 1980, that delightful man from Antigonish decided it was appropriate to lop off immediately, as a result of the removal of the guaranteed payment, the entire cost of two universities in Ontario and to do that in one year—not over five years, but in one year. That is the kind of pattern that has been established.

I remind the honourable member who has just spoken that in 1983 there was a joint provincial conference related to the concerns about the EPF reductions that were considerably more important at that point to this province, because we were in the midst of a very severe recession, the most severe since 1929, and were very much concerned about the huge amount—

**Hon. Mr. Nixon:** Tory times are hard times.

**Miss Stephenson:** It had nothing to do with the Tories. We had a Liberal federal government in Ottawa. That is why we had a recession.

At that time, all the provinces agreed they could not accept the direction of the then federal Minister of Finance about all this. I did not hear anything from the Liberal benches at that time supportive of the total position of the provincial treasurers, ministers of health and ministers of post-secondary education who had participated in the development of the policy statements that they sent forthwith to Ottawa and debated with the then federal Minister of Finance. They got nowhere. The Liberal Minister of Finance decided that the impact of this was zilch; that the opinions of the provincial treasurers and ministers with direct responsibility counted for nothing.

Let us not suggest this is a good direction to be pursuing. It is not. However, it is not the work of the current federal government at all. This pattern was established by the previous government and was much more lacerating in many areas at that time because of the economic situation.

It is a little bit hilarious to listen to what is coming from the government benches at present, when this province is in better economic shape as a result of good management in the past than any other jurisdiction in Canada, even Alberta. Ontario has a significant amount of money it could be directing towards the very activities we are talking about, those areas for which EPF has some responsibility. Unfortunately, in the post-secondary area, not sufficient is being directed that way.

**Hon. Mr. Nixon:** Has the member seen the ads signed by all the presidents? I thought maybe she had paid for them.



**Miss Stephenson:** I have seen what the Treasurer has done. He has ensured that the actual operating grant increase to post-secondary institutions in Ontario this year is the lowest percentage increase in the past five years. That is an unfortunate situation. I suggest there could be an immediate turnaround of the effect of the increased rate of reduction at the federal level if this province, with the money it has managed to have in its hot little hands as a result of good management in the past and good economic circumstances at the present time, could provide for research in the universities of this province.

It is all very well to say the federal government must participate. Yes, it must. The federal government had seduced the provinces into the national health care insurance program by promising it would provide significant amounts of money in support of the health care system. Then it passed the Canada Health Act, which ensured that while the money was being reduced, there would be greater federal intrusion into the provincial responsibility for the delivery of health care. I did not hear the members on the opposite side of the House complaining very bitterly about that when it was happening either.

There is a need for federal government participation, particularly in the post-secondary area. The benefits of post-secondary education are benefits that accrue to all Canadians, not just to one province, one university or one city. The benefit of Professor Polanyi's Nobel Prize is a benefit to all of this country. We should all be proud of it and all congratulate Professor Polanyi for his great contribution to Canada.

The federal government has a responsibility in this area, and we should certainly be talking to that government, but let us not lay the blame totally at the door of the current federal government. It is pursuing a course it perceives is necessary because it inherited the biggest Canadian deficit in history when it came into office. The Treasurer did not do that in Ontario. The federal government has major problems it has to try to overcome.

I agree with the member for Hamilton West that some areas should not receive the full impact of the paring that has to be done by ministers of finance. One area is the investment we make in the intellectual capital of our jurisdiction. They must have a little suffering, I am sure, but those areas should not have to suffer as much as some other areas, because we cannot afford that kind of distorted economic activity. At any rate, the federal government must seriously reconsider the direction it is pursuing related to this. It might

modify the increase in the decrease it is suggesting will be our fate as a province.

I strongly suggest that if the Treasurer and the members of this government are really concerned about what will happen and what is happening, particularly to our post-secondary institutions, they will make better use of the large amount of unexpected revenue they have in their pockets and in their hands for the purpose of improving support for post-secondary education right now, and they will stop complaining about what is happening at the federal level, except to ensure that we pursue the activity that was established years ago in the development of the joint interprovincial committee to look at the area of established programs financing. This is not a new thought. It is a good thought for reactivation, but it is not a new one.

I concur with that, but I would like all the members opposite to suggest to the Treasurer that he rethink his position as well. That would have more immediate benefit for the post-secondary institutions of this province than almost anything else at present. It would be very helpful if he were to tell the boys at Earl's Shell that it might be beneficial to them in the future if greater research activity and greater intellectual capital was being financed within Ontario. I think they would be happy about it.

**Mr. Speaker:** I believe the member for Downsview reserved two and a half minutes. I recognize the member for Downsview.

**Mr. Cordiano:** I want to refer back to the remarks of my good friend the member for Eglinton. He suggested I should somehow be chagrined by the fact that this resolution is a revamping of an old resolution that existed in Orders and Notices. I would have thought the member for Eglinton, who is not with us at the moment, would have felt this was an opportunity to discuss one of his favourite subjects, given that he is the critic for Colleges and Universities.

The thrust of my resolution centres on the question of post-secondary education with respect to continued support by the federal granting councils for basic research. That is essentially what I am talking about in my resolution. The federal government must have a co-ordinated national strategy for research. We must not just have a situation where the 10 provinces act on their own, go about their merry old ways and have 10 different bands playing 10 different tunes. The time has come for a co-ordinated approach, and that is essentially what my resolution calls for.

Perhaps the member for Eglinton is a little touchy about this subject because, as I recall, it was the legacy of the former Conservative government to cut back—

**Mr. Laughren:** You blame them and they blame the federal Liberals.

**Mr. Cordiano:** That is right. They blame the federal Liberals. The reality is that the former government did not support post-secondary education in this province. That is a fact the Conservatives have to live with. We are not blaming the Tories. We are putting our money where our mouth is, we are moving forward and we are committing funds.

**Mr. Davis:** You are doing the same thing. Just ask the Treasurer to give you some money.

**Mr. Cordiano:** The Treasurer, who is with us today, is moving forward to rectify that situation, which was created in the past. There have been 10 years of neglect and 10 years of abuse. We are now putting that to rest now. We are moving forward. It is a new era for this province.

**Mr. Speaker:** That completes the allotted time for discussion on these two matters. I would

like to inform the members it is now time to place the questions before the House.

#### EDUCATION AMENDMENT ACT

**Mr. Speaker:** Mr. Grande has moved second reading of Bill 80.

Motion agreed to.

**Mr. Grande:** On a point of order, Mr. Speaker: I wonder whether we can order Bill 80 to the standing committee on social development.

Agreed to.

Bill ordered for standing committee on social development.

#### FUNDING OF POST-SECONDARY EDUCATION

**Mr. Speaker:** Mr. Cordiano has moved resolution 75.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

The House recessed at 12:02 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## TAX REBATES

**Mr. J. M. Johnson:** I bring to the attention of this Legislature the incompetent way in which the Minister of Municipal Affairs (Mr. Grand-maitre) has handled the farm property tax rebate.

In September, half the farmers in this province received their property tax rebate forms. The other half did not receive these same forms until this past week, three months later. The forms now have to be filled out and returned. With Christmas mailing, this means they will be in the minister's department next year.

The ministry then takes a minimum of six weeks to check the forms and mail back the property tax rebates. This means that half the farmers in this province will be receiving their rebates three, four or even five months later than the other half.

In my riding, I have been informed that no farmers in West Garafraxa and East Garafraxa have received their rebates. Why should the farmers be penalized by the incompetence of this minister? Surely the minister and the Treasurer (Mr. Nixon) should compensate these many thousands of farmers who have been penalized through no fault of their own.

I call on the Treasurer and the Minister of Municipal Affairs to treat these rural people with fairness and equity. They should receive one per cent per month extra rebate for every month the ministry has held up their property tax credits. Please put in place a mechanism that will ensure this does not happen again next year.

ONTARIO INSTITUTE FOR STUDIES IN  
EDUCATION

**Mr. Allen:** In July the standing committee on general government, having studied the relations between the Ontario Institute for Studies in Education and the University of Toronto, outlined a number of alternatives that were acceptable for the future relations of those two institutions. In the intervening weeks and months, those two bodies have held negotiations that have led to what one can describe as a meeting of minds on the question.

The proposed solution that both the university and the institute recommend is one in which

OISE will take over the functions of the faculty of education of the University of Toronto and thereby take over all of the teacher training, post-graduate education, research and field work in that whole area.

The major problem that has impeded a resolution and a final agreement with respect to those two institutions has been the matter of money. The dollars are not large. The institute on its side feels it needs about \$3 million to \$4 million in additional funds that now go to the University of Toronto to undertake that renewal of teacher training through the faculty of education. For its part, the underfunded university finds it impossible to spring that money loose from the basic income units it gets from the ministry.

I suggest to the government that the responsible course now is to find that small package of money to make this resolution possible, to bring those two parties together and to ratify their solution as our solution.

## SUNDAY TRADING

**Mr. Epp:** As most members are no doubt aware, this morning the Supreme Court of Canada released its decision regarding the constitutionality of the Ontario Retail Business Holidays Act. As reported in the media, the Supreme Court upheld the existing law.

While I obviously have not had an opportunity to review the details of the decision, I applaud the court's judgement in this matter. The issue of Sunday openings has been of substantial concern to many members of the Legislature and to the general public, including the constituents of Waterloo North.

When faced with controversial issues such as this, we as legislators are called upon to look beyond public opinion polls. That being said, I believe the decision of the Supreme Court reflects the prevailing opinion of my constituents and their desire for some form of Sunday shopping regulation. I recognize there may be deficiencies in the present law and I look forward to its review by this Legislature.

## FISHERIES PROJECTS

**Mr. Stevenson:** In early 1984, I called a meeting of the Pefferlaw Anglers Club and the Ministry of Natural Resources. The meeting resulted in joint research projects on the fish



habitats of the Pefferlaw Brook and the fish ladder at the Pefferlaw dam.

In addition, it was decided that walleye from the Talbot River would be transplanted during the spawning run into the Pefferlaw Brook, with the Pefferlaw anglers taking part in this transfer. At a subsequent meeting, further agreements were reached for future co-operation.

The working relationship has been excellent since then. The anglers made improvements to the fish ladder, and the number of fish going over the dam has increased substantially. The anglers club record the fish passing through the ladder and assist with walleye transportation, which occurs each spring. Recently, the anglers association purchased a tank valued at \$3,700 to give to the Ministry of Natural Resources, so it could transplant lake trout and whitefish yearlings into the desired locations within the lake.

I would like to congratulate the Pefferlaw Anglers Club for its initiative and financial assistance in improving the cold and warm water fisheries in Lake Simcoe. I would like also to thank the MNR staff for its continued assistance in keeping Lake Simcoe a prime fishing lake.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I am delighted the Minister of Labour (Mr. Wrye) is here. The Minister of Labour, in his response to me on December 16, 1986, regarding the question of cancer claims for gold and mixed-ore miners in Ontario and his undercutting of the Industrial Disease Standards Panel, said, "I have heard a lot of nonsensical so-called facts....When they are reviewed, they turn out not to be the facts." I challenge the minister to put forward those facts on which we have been wrong.

On the other hand, I will put forward a few for my friend the minister. I want to present some facts. When I raised the question of styrene in this Legislature, that it was 100 parts per million in some industries, unlike Sweden, where it is 25 parts per million, the Minister of Labour said the following, "They do not have an industry." I checked with the Swedish embassy. Interestingly enough, they have 35 to 40 companies, an industry worth \$120 million a year. I do not know where the minister gets his facts.

The day before yesterday, when we talked about gold, the minister said, "As the honourable gentleman knows, a number of claims by the gold and mixed-ore miners have been accepted in some areas over the years." I checked with the United Steelworkers and I checked with the Sudbury Mine, Mill and Smelter Workers

Union. To my knowledge, no one knows of a cancer claim for gold alone. If asbestos is involved or some other factor, right, but not gold or mixed-ore mining.

Perhaps the minister should get his facts correct. He should come in here with the facts he says I have wrong, because I am prepared to debate him on those facts.

#### HOLIDAY GREETINGS

**Mr. Callahan:** In this season of goodwill and with all the good-natured speeches coming from the opposition side, I rise to thank all my colleagues for the generous letters and personal notes they have addressed to me in the spirit of goodwill.

I would also like to take this opportunity to wish a merry Christmas and happy New Year to all the people of the city of Brampton, because I doubt I will be representing the entire city of Brampton at this time next year.

#### AID TO WAR VICTIMS

**Mr. Shymko:** I join the member for Brampton (Mr. Callahan) in expressing the best wishes of this holiday season to you, Mr. Speaker, my honourable colleagues and the people of Ontario for a merry Christmas, a happy Hanukkah and a prosperous and peaceful New Year.

I want to thank the 18 members of the Legislature who have made contributions to the appeal letter I distributed yesterday, to help 10 to 12 children who have been maimed in the Afghan war following the tragic invasion of Afghanistan by the Soviet troops seven years ago, the anniversary being Christmas Day.

In the light of our compassion and search for peace, let us look at these innocent victims. I appeal to members, if they have the opportunity today, to join us in bringing these children to the Hospital for Sick Children for corrective surgery. I thank the Ministry of Health, which is co-operating and the Department of External Affairs. I feel there is no better way of joining the appeal from our ambassador to the United Nations in this humanitarian gesture. What better way to celebrate peace on earth and goodwill towards men than by this gesture of compassion.

These 18 individuals have contributed \$10 or more. If we each participated with a \$10 contribution, \$1,250 would be given to these children to help them live a decent, healthy and peaceful life.

Merry Christmas, happy Hanukkah and a happy New Year.

## TARIFFS ON SOFTWOOD LUMBER

**Mr. Foulds:** When the Mulroney government decided to sacrifice jobs in the softwood lumber industry for a free trade agreement, Ontario's Minister of Industry, Trade and Technology (Mr. O'Neil) said his government reluctantly went along. It did so because it has no idea how important forestry is to the province.

This time it has no excuse in the service sector industry, because its own report, published this week, tells it how important it is to the province and tells it that free trade will devastate the service sector, particularly the financial services industry.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### SUNDAY TRADING

**Hon. Mr. Scott:** Today the Supreme Court of Canada gave judgement in a number of cases that dealt with the constitutionality of the Retail Business Holidays Act. This act was passed by the Legislative Assembly of Ontario in 1975 after a lengthy report and recommendation made by the Law Reform Commission of Ontario.

The Supreme Court of Canada held, generally speaking, that the law was within the constitutional competence of the Legislative Assembly of Ontario. In so far as the provisions of sections 2a and 7 of the charter applied, the law was constitutional as a reasonable restriction consistent with a free and democratic society.

The court's role in the process is now complete, and the law has been conclusively upheld as constitutional and valid. I am confident the citizens of the province will see it as their duty, now that the Supreme Court of Canada has issued its decision, to comply with the law in every respect. That is the long tradition of our province, and I am confident this tradition will be honoured by all our citizens, who have always recognized that respect for existing law and the court process is a critical cornerstone of civilized life.

More than 4,000 cases of alleged breaches of the Retail Business Holidays Act have been laid over the last two years since the Court of Appeal for Ontario confirmed the constitutionality of the law. As honourable members will know, those cases have been adjourned by the lower courts to await the decision of the Supreme Court of Canada. Now that the decision is at hand, I expect that trial dates will be set in the ordinary course for the determination of those cases.

As acting Solicitor General, I want to emphasize that the direction given by my predecessor to municipal police forces and to the Ontario Provincial Police to monitor compliance with the law and to lay charges when breaches occur is confirmed. In Ontario, by and large, policing is performed by police forces under the direction of a municipal board of commissioners of police. I am confident the direction given by the Solicitor General will in every case be supported by those boards.

I should advise the members of the Legislature that the fines permitted under the act are fixed by the judges of the provincial court who hear individual cases. Fines may be fixed in any amount up to \$10,000. Crown attorneys and prosecution staff will be directed to request provincial judges to fix a fine, upon conviction, that is appropriate to assure compliance with the law.

There are many law-abiding citizens in Ontario who believe the present law exhibits technical defects and anomalies that require adjustment. There are some who believe the law may be inappropriate to the needs of Ontario's society in this part of the 20th century. There are many who feel the law is valuable because it enshrines nonsectarian social values of an important kind designed to enhance family and community life.

In the democratic process, as laws are considered for modification or amendment, those views should be heard. The Premier (Mr. Peterson) previously indicated that an all-party committee of this Legislative Assembly will be asked early in the new year to hear representations our citizens wish to make in support of proposed modifications or amendments or the level of fines.

During the period when the decision of the Supreme Court of Canada was pending, this government was concerned that businesses that elected to stay open in breach of the law and risk prosecution might be requiring employees who wished to comply with the law to attend at work. I am sure every honourable member believes, in the face of a constitutional law, it would be unfair to permit any employer to do so.

As I result, I will be introducing today an amendment to the Retail Business Holidays Act that will prohibit employers in retail business establishments who are required to refrain from selling goods in that business on a holiday from counselling or requiring anyone to contravene the provisions of the act.

As well, the proposed amending bill introduced by me will permit an application to the



Supreme Court of Ontario to enforce the law by mandatory injunction.

In addition, my colleague the Minister of Labour (Mr. Wrye) will be introducing an amendment to the Employment Standards Act that will permit an employee who has been counselled or required to attend at work in those circumstances to make a complaint to an employment standards officer, who is invested with remedial powers under that statute.

**Hon. Mr. Wrye:** As part of the government's overall response to this morning's decision by the Supreme Court of Canada, I will introduce later today an amendment to the Employment Standards Act to provide further protection for workers who refuse to work on Sundays.

Specifically, the amendment will give workers the right to refuse any work that breaches the provisions of the Retail Business Holidays Act. That act addresses openings on both Sundays and public holidays. The amendment I will be introducing will enable an employment standards officer to order an employee to be reinstated and/or compensated if he or she is dismissed for refusing to break the law by working. The amendment is effective today.

As honourable members know, the limitations on Sunday opening set out in the Retail Business Holidays Act were designed originally to ensure that workers have a weekly day of rest. The initiatives the government is taking today protect those principles.

**Mr. Grossman:** I was disappointed though not surprised, to be candid, that neither the Attorney General nor the Minister of Labour was kind enough to acknowledge the fact that the pressure for some protection for employees on Sunday had been raised in this House by my party continually, particularly over the past several weeks and particularly by the member for Oakville (Mr. O'Connor). The legislation, when they finally get around to it, is due to the pressure brought to bear by my colleague.

I should also like to point out to the government that this issue was raised one year ago. One year ago we had the same kind of Christmas problem, and the government refused to respond. Since that time we have had statements from the government saying, "Ontario Gets Tough on Sunday Shopping" and "Police Told to Crack Down." There were no quick-response plans. Then, "A-G Gets into the Act"—of course, he gets into every one. This is my favourite: "Time to Reassess Our Sunday Closing Law, Peterson Says." You would think the date was today or yesterday; it was January 7,

1986, when he deemed it was time to reassess our Sunday closing laws.

What did the Premier do after that? After that, the Attorney General told him that he, the Attorney General, was not prepared to reassess it until the court case was done. Our party of course proceeded to reassess it and brought forward a task force recommendation many months ago. Had the government been at all seriously concerned about this, it would have started the task force process itself a year ago.

Now, when the going gets tough, the Attorney General, as always, runs for cover and says, notwithstanding his brave statements, "Wait a minute; now I actually have to take a position." If it is abortion, it is the problem of the Minister of Health (Mr. Elston). If it is a tough question with regard to law enforcement, the Solicitor General, when there was a second one, used to be responsible for telling the police what to do. Now, when it comes time to stand up and say what he believes his government should do about Sunday shopping, suddenly the Attorney General, one of the great autocrats of all times, becomes a great democrat and wants everyone to join in the handwringing and figure out what his poor government should do on this very tough issue.

In the absence of any guidance from the Attorney General, particularly this sort of misleading stuff—"Store Staff Cannot be Forced to Work on Sundays"—we legislators will have to pick up the ball where he has dropped it. We have had one year of inaction, one year of confusion, one year of total chaos; and with the continuing chaos this Sunday, it will be on the shoulders of the Attorney General and those of the Minister of Labour for the total absence and abdication of responsibility for one long year.

**Mr. Mackenzie:** I wish to respond to the statements by the acting Solicitor General and Attorney General and by the Minister of Labour. While the initiatives are useful and appreciated, it should be pointed out that this shows the answers we were getting to questions on December 3 and 4 and on other days as well were not accurate. The Attorney General's comment that if somebody had problems, he just had to call, clearly was wrong because what he has had to do is bring in the legislation we were asking for at that time.

It seems to me this legislation is not difficult. It could have been brought before this House before this date so we could have taken a look at the bills, which we have not yet been given. There are some questions I would like to have



clarified in the two initiatives that have been taken. Does it clearly cover store managers? We do not know. They are some of the people who raised a number of questions with us, as well as the regular employees. There are a number of questions to be answered. It indicates that we were right in the questions we were asking and that we should have had this legislation before this day.

### TECHNOLOGY FUND CENTRES OF EXCELLENCE

**Hon. Mr. O'Neil:** I am pleased to announce today that two initiatives that were assigned to the Premier's Council when it was established by the Speech from the throne have been developed and are now operational.

The Premier's Council has been given a mandate to "steer Ontario into the forefront of economic leadership and technological innovation." As part of that mandate, the council is expected to provide guidance to the government on eligibility criteria and allocations from a \$1-billion special technology fund. The technology fund is being used to support, complement and encourage science and technology research in the private sector and in post-secondary institutions.

The Premier's Council has met four times over the course of the summer and fall and has spent much time in deliberations over the objectives, criteria and assessment procedures for the technology fund and for the development of a program to encourage centres of excellence. The technology fund has received Management Board approval and the process for screening and evaluating applications is under way. To date, 250 inquiries have been received, there are 52 active files and 12 projects are in the midst of serious consideration by the council secretariat.

A subcommittee of the Premier's Council was formed to consider centres of excellence and has worked hard over the fall to develop a program and process designed to elicit the best possible proposals. That program has now been approved by the full council and by cabinet.

Centres of excellence will bring together private sector firms and post-secondary institutions in consortiums that are designed to stimulate the production of advanced, world-class research, to train and develop world-class researchers over the medium to long-term and to encourage the transfer and diffusion of technology.

The goal is to establish an environment that will lead to the creation of new technologies. The

benefits that will accrue from this investment in science and technology will help to ensure Ontario's future industrial and research competitiveness in the global marketplace.

**13:50**

Post-secondary institutions, private sector firms and crown corporations will all be eligible to form consortiums and to submit proposals. Eligible proposals will be assessed on the basis of their availability to comply with specific published criteria. All proposals must be submitted by March 31, 1987. The council has decided that during the first year, during the summer of 1987, the program may choose to announce a second call for proposals.

Adjudication of the scientific, technological and anticipated commercial merit of proposals will be conducted by a panel of independent experts drawn from both international and domestic sources. Assessments will be reviewed by the Premier's Council, which will forward its recommendations to Management Board of Cabinet for approval.

Funding for the centres of excellence will include full operating costs of research and will normally be available for five years, renewable upon satisfactory completion of a sunset review process.

Initially, not more than six centres will be financed, to ensure that adequate levels of funding are available to establish and maintain the quality of the centres. Information on the centres and the substance and format required for proposals to form centres of excellence will be circulated to all Ontario universities and colleges, the Ontario Federation of Labour and broadly to companies involved in research and development in Ontario.

I am pleased to inform the House that the Premier's Council, of which I am a member, has been hard at work. As a result, both the technology fund and the centres of excellence program are in place and ready to receive applications.

**Mr. Gillies:** Nine months after the throne speech, the Minister of Industry, Trade and Technology rises to inform us that the \$1-billion technology fund is now operational. I am sure Abe Schwartz and a number of other people will be delighted to hear this, as the fund has really done nothing in nine months.

What have we found out about this fund? The minister tells us today that the criteria for funding are now in place and are attached—this some eight months after the Premier's office put out a news release awarding \$17.5 million to the Explora-

com project. There has been one other award by this council in that period of time, for \$100,000 to a university, and in the meantime the fund has accrued administrative expenses of a similar order of \$100,000.

The technology fund, of course, is not a \$1-billion technology fund. There is not even \$100 million of new funding this year. In fact, it was supposed to be \$50 million in new funding. If we look at the second-quarter Ontario Finances put out by the Treasurer (Mr. Nixon), there is a reduction of \$7 million, which means the \$100-million technology fund this year is really \$43 million. A good portion of that went to our friend Mr. Schwartz, without the following things that are in today's statement: the objectives of the fund, the eligibility for the fund, the proposal assessment criteria, the form of proposal, the selection process and funding and conditions. It is all here; but it was not there for the good friend of the Premier (Mr. Peterson), Abe Schwartz. Merry Christmas, Abe.

#### LIABILITY INSURANCE

**Hon. Mr. O'Neil:** I would like to take this opportunity to update the members on our work to alleviate the shortage of product liability insurance for Ontario exporters to the United States. This shortage has meant that Ontario manufacturers face the danger of losing sales in the vital US market, thereby threatening the livelihoods of their employees.

I informed this House in July that we were initiating a proposal with private insurers whereby a policy of up to US\$1 million would be available for Ontario exporters to the US. I am happy to report this process has now been completed and we are in a position to offer assistance to Ontario firms unable to get insurance for their exports to the US.

We have negotiated a tentative agreement with seven leading insurance companies to form the US products insurance arrangement. These are Royal Insurance Co. of Canada, Commercial Union Assurance Co. of Canada, Co-operators General Assurance Co., Zurich Insurance Co., Dominion of Canada General Insurance Co., General Accident Insurance Co. of Canada and Guardian Insurance Co. of Canada. These insurers are to be congratulated for their response to the genuine and pressing need of Ontario manufacturers which, through no fault of their own, cannot obtain liability insurance for their US products.

The three-year program begins January 1. The Ontario government will provide substantial

reinsurance to private insurers participating in the plan. Ontario's share of premiums accepted over three years will not exceed \$25 million, and the majority of the risk and the program administration will remain with the private sector.

This program will be one of last resort for manufacturers that have been unable to obtain insurance at any price on their US exports. Insurance agents and brokers will have to demonstrate they have made a best effort to secure coverage. There will be no element of subsidy in the program. Market rates will apply based on US experience.

I should point out that not all risks will be covered. Some companies, because of their product or claims history, may not receive quotations from the arrangement. However, we expect this to be a very small percentage of those firms now unable to obtain insurance.

This program will address the current lack of availability of liability insurance. I am confident it will be of considerable assistance to the province's exporters. We hope legislative changes in the US will not necessitate this program lasting beyond the scheduled three years.

A full information package will be provided to all insurance agents and brokers in Ontario within the next week.

**Mr. Swart:** I would like to make some comments on the rather amazing statement by the Minister of Industry, Trade and Technology relative to the Ontario Liberal government involving itself financially in the provision of insurance for exporters within our province. This is unique because they do not do it for anyone else; yet they give certain guarantees, at least up to \$25 million, to those corporations.

I wonder whether the government realizes that there are those other than corporations that are being devastated by insurance; that young people are losing jobs with bus companies, trucking companies and towing companies because those firms cannot get insurance to cover them.

Does the government not realize that people are taking their cars off the road because they cannot get affordable insurance, even though they need it for business purposes? Does the government not know that small businesses are closing and many are operating without insurance because they cannot get it? It is another indication of that government over there providing socialism for the rich and capitalism for the poor.

#### NUCLEAR SAFETY

**Hon. Mr. Kerrio:** I am pleased to announce today that Professor Kenneth Hare has agreed to



undertake a review of nuclear safety in Ontario. This review was recommended by the select committee on energy and agreed to by the government earlier this year.

Professor Hare is university professor emeritus of geography at the University of Toronto and former provost of Trinity College. He is recognized internationally for his research work in meteorology, climate and biogeography, and he has had a most distinguished academic career. He has been an officer of the Order of Canada since 1978.

Professor Hare has a long and distinguished record of service with many official bodies, foundations and institutions of high international reputation. He was chairman of the Royal Society of Canada's committee on the environmental consequences of nuclear war, which published its report in 1984. Professor Hare played a leading role in reviewing the research to be undertaken by Canada and the United States on acid rain, and he is now winding up his work as chairman of the royal society's commission on lead in the environment.

We are indeed fortunate to have obtained a person with Professor Hare's broad background, knowledge and experience for the nuclear safety review. I have asked Professor Hare to take a fresh look at Candu reactor safety in Ontario. He will be guided in his review by the recommendations of the select committee to "examine the safety of the design, operating procedures and emergency plans associated with Ontario Hydro's Candu nuclear generating plants."

As well, I have asked Professor Hare to examine any actions that have already been taken within Canada as a result of information received about the nuclear accident at Chernobyl in the Soviet Union.

I have also indicated to him that I have a plan to ask the federal government to institute an operational safety review team through the International Atomic Energy Agency in Vienna. Essentially, this team will study the design features and operational safety practices now in place at Ontario Hydro's generating stations. I expect Professor Hare will provide advice regarding the terms of reference for this review. The results of the study will be provided to Professor Hare as one component of the information available to him.

Professor Hare will begin his review in January. I have asked him to submit his report to me as soon as possible, and in any case no later than December 31, 1987. I have also told him he can count on the full technical and scientific

support of Ontario Hydro and of the federal government and its agencies.

In accepting this important task, Professor Hare has expressed his intention to consult widely. He will obtain a cross-section of technical and scientific views and information and will invite submissions from interested groups on the scientific and engineering dimensions of nuclear safety. I welcome this approach, and I have agreed that the budget for the nuclear safety review will include funds to assist such interested groups in the preparation of technical submissions. I have also agreed to Professor Hare's close collaboration with the Royal Society of Canada in carrying out this important assignment.

It is Professor Hare's wish, as well as the intention of this government, that all studies commissioned by Professor Hare, all materials submitted by interested groups and his final report will be made available to the public.

I believe that in Professor Hare we have a distinguished Canadian who will command the respect and confidence of all facets of Ontario society. I am confident he will bring a fresh perspective and analysis to the questions of nuclear safety in this province.

I am today tabling my letter appointing Professor Hare as commissioner of the Ontario nuclear safety review, along with information on Professor Hare's career.

A previous commitment has prevented Professor Hare from being in Toronto today. However, he has agreed to be available tomorrow at two o'clock in the Legislature's media studio. All those people in that corner can question the good professor at that time.

**Mr. Charlton:** I wish to take a brief moment to respond to the statement by the Minister of Energy this afternoon. The Minister of Energy has just thrown the final insult at the select committee on energy and at the members of this Legislature who, through a number of their committees, have demanded for a number of years an independent review of nuclear safety in Ontario.

It is unfortunate the minister has not even learned how to read and understand English properly. The committee called for an independent panel. The minister has announced the appointment of Professor Hare, someone who is not independent on the question of nuclear energy in Ontario. He has been a direct participant in the nuclear debate in this province. He testified before the former select committee on Ontario Hydro affairs in a pro-nuclear role and



participated in studies on nuclear waste and nuclear waste disposal. His biases are already clearly on the record in black and white.

How can the minister possibly expect the members of this House and the people of this province to have any faith in any review of nuclear safety that is done by a man whose biases are already clearly on the record? It is a joke. It is a farce. He has avoided the issue that was put to him by the select committee.

### VENTE DE TERRAINS

**L'hon. M. Grandmaître:** J'aimerais présenter, aujourd'hui, le rapport réalisé par le personnel du ministère des Affaires municipales concernant les inquiétudes et les allégations de certains contribuables quant à la vente de terrains à vocation industrielle à la ville de Vaughan.

This report deals with procedures used in the sale of town-owned lands. It notes weaknesses in the town of Vaughan's administrative practices. These include extensive use of in camera meetings, amendments to agreements following council approval and the lack of public advertising and tendering for the sale of public industrial land.

The members will note that at the end of the report final recommendations have been deferred until the outcome of a police investigation.

Cependant, vous constaterez, Monsieur le Président, à la lecture de la lettre jointe au rapport, qu'une étude approfondie des pratiques et procédures de la ville de Vaughan est nécessaire.

It is obvious there is a need for a comprehensive review of council procedures and administrative processes to bring them up to an acceptable standard.

### ONTARIO STATISTICS

**Hon. Mr. Nixon:** I wish to table today the 10th edition of Ontario Statistics, a compendium of data on social and economic activity in this province. I would add that Ontario Statistics is being published for the first time in French and in English.

14:10

### ORAL QUESTIONS

**Mr. Grossman:** I regret if we interrupted the conversation between the Minister of Colleges and Universities (Mr. Sorbara) and the Premier (Mr. Peterson). We would have enjoyed hearing it, as the whip is apparently now enjoying hearing it. I understand his nervousness, but we will continue.

### SUNDAY TRADING

**Mr. Grossman:** I have a question of the Attorney General. Can he tell us whether he was mistaken—perish the thought that he would be mistaken—or would he entertain the possibility that he was mistaken when he said in this now legendary headline dated December 4, "Store Staff Cannot be Forced to Work on Sundays, Scott Says"? Perish the thought, but was he wrong on that day or is he bringing in legislation which duplicates protection that is already in place?

**Hon. Mr. Scott:** The response of the Leader of the Opposition (Mr. Grossman) was as mean spirited a piece of business as I can imagine.

Let me be perfectly frank with him. I have often been wrong and I will be wrong again in the future. I challenge the Leader of the Opposition to make the same concession to reality, but he will not.

The question is, was I wrong? I said two things. I said I wanted to hear from any people who had lost their jobs because they had been forced to work on Sundays. I had a lot of phone calls from members of the opposition, who were obviously afraid they were going to lose their jobs, but I heard from no citizen who said he had lost his job. I do not think I was wrong to do that. I am not ashamed to have done it and to have invited people to call if they confronted that kind of problem.

I said I believed there was a provision in the Provincial Offences Act that permitted us to enable those people to get their jobs back. It is still there. It presents some ambiguous and difficult problems. I may have been wrong to say it was sufficient. I still think it was. The purpose of this law is to make clear, beyond any doubt, that a person will not lose his job if he is required to work against the law.

**Mr. Grossman:** We do appreciate the clarification today, which the Attorney General has refused to give until this date. Let us understand what his clarification is.

What he meant on that date, "Store Staff Cannot be Forced to Work on Sundays," what he really meant, apparently from the answer he just gave, is that if employees are fired, they can hire a lawyer and sue the employer who just fired them to try and get their jobs back. That is what he just said. I have the article here. In this article, he gives the clear impression, which is his wont, that a law is in place that says store staff cannot be forced to work Sundays.

In the holiday spirit, is he prepared to concede that what he said earlier is right, he can make a

mistake, and that what he meant to say two weeks ago when he was refusing to take any action whatsoever to protect employees was that if they were fired, they could sue to get their jobs back?

**Hon. Mr. Scott:** As a matter of humanity, which is consistent with some view of the season, I am prepared to admit I make mistakes. I have yet to hear the Leader of the Opposition even countenance such a possibility, though the public knows the Conservative Party may have made the biggest mistake in its history within the past year. However, it is a mistake that is recoverable. Where is the member for Cochrane South (Mr. Pope) when we need him?

When I was asked about this matter, I believed, on the basis of advice I obtained from highly qualified officials in my ministry, that the provisions of the Provincial Offences Act would do the trick. I asked anybody who had been fired to communicate with me.

On reflection, we thought that section of the Provincial Offences Act was not apt to this purpose. Therefore, we recommended to my cabinet colleagues that this amendment be made. I think that was a prudent and sensible course in the public interest, designed to protect the interests of any workers who might be fired, and I am not ashamed to have taken it.

**Mr. Grossman:** The only mistake we on this side of the House made was to expect that when the Attorney General came into the House, he might answer questions. We were wrong.

I want to refer the Attorney General, as he tries to explain his way around these unusual statements, to listen to these words of his: "...Any employee who does not care to work on Sunday and is employed in a trade that is regulated by the act"—not the Provincial Offences Act, but the Retail Business Holidays Act—"is not obliged to work on Sunday. I assure all members that no jobs will be lost in Ontario by any employer attempting to force employees who do not want to do so to work on that day."

This was the Attorney General's statement of December 3. He referred to the act. He said that under the legislation employees were not obliged to work. Today, he is introducing an attempt to explain his inaction by saying that suddenly a brand-new extraneous act that he just introduced applies.

Now that the Attorney General has finally decided to do what both opposition parties have been telling him to do for three weeks, how does he explain the statements he has been handing out to the public for several weeks, saying they did not need legislation and were already protected?

**Hon. Mr. Scott:** It was always against the law for an employer to require someone to work on Sunday under the Retail Business Holidays Act. The issue—

**Mr. Grossman:** What section?

**Hon. Mr. Scott:** Perhaps the honourable leader will just listen. He should try it for a change and see whether it works.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** Is he finished?

The issue was whether the government could compel an employer to take back an employee who had been fired unlawfully for a breach of the law. I said yesterday that the existing remedy was a civil remedy. We have today created a criminal penalty and invoked the provision of the Employment Standards Act. The statement of December 3 that the member quoted was my view then, and it is my view today.

#### TABLING OF INFORMATION

**Mr. Harris:** The Premier's flagrant abuse of the standing orders of this Legislature has made a mockery of the concept of open government in Ontario. We now have more than 100 written questions in Orders and Notices that the government refuses to deal with, some dating back more than a year. Three cabinet ministers have already resigned because of improper conduct. Why is the Premier deliberately stonewalling this Legislature by holding back government information on these questions?

**Hon. Mr. Peterson:** I refer that question to the House leader.

**Hon. Mr. Nixon:** The member opposite and his colleagues have raised this matter previously. I have refrained from quoting from Hansard what he and his colleagues said in similar circumstances in years gone by, because I agree that the previous government, just as is this government, was doing its best to respond to complex questions that require expensive and lengthy answers.

We are tabling the answers as soon as they are available. Rather than accusing the Premier (Mr. Peterson) of deliberate stonewalling, the member surely should accept the goodwill on this side as we accept it on that side. We are doing the best we can to see that the information requested by the members opposite is made available as soon as possible.

14:20

**Mr. Harris:** The Premier would not co-operate when my party produced information that proved to be true about the three failed



cabinet ministers. The Ontario Provincial Police or the Metro police have now been called in on a number of issues, including Wyda, Spectrum, the Vaughan property transaction and the former Solicitor General, when the Premier (Mr. Peterson) would not accept his responsibility to provide essential information. He refused a judicial inquiry into the Wyda scandal. He refused a commission, as requested more than eight months ago, into the Vaughan land scam case, whatever that is; we do not know.

**Mr. Speaker:** Question?

**Mr. Harris:** He continues to break the rules of this House by refusing to answer or by giving superficial, coverup answers to more than 100 questions in Orders and Notices.

It is the selective questions that deal with all these issues, and more that appear to be there, that he refuses to answer. With that selective answering, why is the government continuing to hide information from this Legislature and from the public?

**Hon. Mr. Nixon:** Anything but that is the truth. We are preparing the answers as rapidly as we can. We have tabled the answers to scores of questions put in Orders and Notices by the members opposite. We will continue to do our best in this regard.

I am sure the member will realize most of the information requested is available in volume 3 of the public accounts, which was tabled yesterday. It is available through the estimates process, which has been held up to some degree by the importance of other legislation before the House. Surely he knows there are remedies, including the oral question period, which he is using today.

I resent the imputation of motives, particularly in his original question to the head of the government, that there is some sort of deliberate stonewalling. This is definitely not true.

**Mr. Harris:** Perhaps the minister can indicate what is so complicated about answering in December 1986 a question tabled more than a year ago about the expenses of government travel using government and chartered aircraft. The Premier has refused to respond to that. He refused to respond last May about the expenses of government cabinet meetings in various parts of Ontario. He has stonewalled the standing committee on public accounts. The Premier has tried to cover up the actions of his cabinet colleagues. He continues to conceal information from the public by violating the rules of the House.

**Mr. Speaker:** Question?

**Mr. Harris:** Is it because he is incompetent that he cannot answer these questions? Is the government that rotten, or is he afraid to table this information because he has something else to hide?

**Hon. Mr. Nixon:** The member indicated one of the questions that concerns him more than anything else is the cost of travel. If he does not have time to read volume 3 of the public accounts himself, he might look at the reports in the newspapers that indicate he and his colleagues in the old Tory administration spent at a far faster rate than any of the members of the Liberal administration. That information is available to him.

I want to quote from Hansard of April 18, 1984, in the name of the government of Ontario at that time, of which the member who asked the question was a part. It states the sources from which this information can be extracted "include the public accounts of Ontario, the legislative library, ministry libraries, caucus research offices," which have at least been tripled in the time since the Tories left office, "the resources of which have increased considerably...and, of course, the estimates process."

That is the answer they gave us, we accepted it in good faith, we are giving it to them and they know what they can do with it.

**Mr. Gordon:** On a point of order, Mr. Speaker: This shows how arrogant this government has become in 18 months.

**Mr. Speaker:** Order. That was not a point of order. I am sure all members will read Hansard after today.

#### PENSION FUNDS

**Mr. Mackenzie:** If we can get back to a slightly more serious matter, I have a question of the Minister of Financial Institutions. The minister may be aware that Rothmans is permanently closing its Toronto plant as of tomorrow, throwing another 145 workers, members of Local 319 of the Bakery, Confectionery and Tobacco Workers International Union, out of work.

Rothmans has informed the union that it wants to remove the surplus in the pension plan, which amounts to about half of the \$8.6 million in the fund. The minister's recently announced moratorium on surplus withdrawals does not apply in windup situations. Rothmans has indicated it intends to use the surplus to provide severance pay and other benefits to the workers; the employees will thus be, in effect, paying for some of their benefits and severance pay



arrangements in spite of having separate contractual, negotiated arrangements in these plans. Part of their agreement is that if the plan is wound up, the pension funds will be theirs.

What is the minister prepared to do to ensure that these workers receive what is rightfully theirs and avoid a long and costly court battle over the pension funds?

**Hon. Mr. Kwinter:** The situation that the member of the third party brings to my attention is being handled by the Pension Commission of Ontario.

I should mention that the freeze I have put in my proposal is a freeze on surplus fund withdrawals from ongoing plans. There is provision in most plans for when the plan is wound up. As a matter of fact, 90 per cent of the plans make provision for what happens to surplus funds on windup. On the other hand, nearly all the plans are silent when it comes to removal of a surplus from ongoing plans.

**Mr. Mackenzie:** It gets difficult with this minister at times.

The minister has placed a ban on surplus withdrawals from ongoing pension plans. Unfortunately, the same protection does not apply to pension plans that are being wound up or terminated. In the past two years, the surpluses withdrawn from plans being wound up have amounted to more than \$100 million.

These plans being wound up are often the result of plant closures, instances where the workers are most in need of protection. When will the minister realize the money in these pension plans belongs to the workers and place a moratorium on surplus withdrawals from all pension plans, not just those that are ongoing?

**Hon. Mr. Kwinter:** I would like to clarify the problem we have. On windup, most plans have a provision that deals with the surplus. That is a contractual arrangement between the members of the plan and the plan sponsor. If there is no mention—and there may be 10 per cent of all plans that do not mention what happens to the surplus in a windup—then that is something for the pension commission to determine, or failing that, it may have to be resolved in the courts.

We have dealt in our provision with what happens to ongoing plans, because there is no mention. That is where the problem is and that is where the discrepancy is. We have put a freeze on that because there is no provision in most plans on how to deal with it.

**Mr. McClellan:** Surely even this minister realizes that the legalized theft of surplus funds is a relatively recent discovery in the corporate

world. While we have had all kinds of discussion about ongoing plans, given that in the United States more than \$7 billion has been taken out of pension plan surplus funds through the process of terminating pension plans in the last few years, and given that in Ontario since 1985 more than \$100 million has been taken out of so-called surplus funds from pension plans that are terminating here, does the minister not understand that by failing to close this loophole, which was not anticipated in the past, he has built in an incentive to people in the corporate world to terminate pension plans in order to get their hands on the surplus funds?

**14:30**

**Hon. Mr. Kwinter:** The House leader of the third party has just touched on a very important issue, the issue we are dealing with and the reason we have gone through the process we have. What happens is that when you have a defined-benefit pension plan, there is a possibility of surpluses accruing in an ongoing plan. Once you push too far, there is every incentive for some plans' sponsors to wind up the plan, distribute the benefits, take the surplus and then go to a defined-contribution plan. That is what we are trying to avoid.

Now the member is saying to me, "Do you know this is happening?" I am saying it is not happening very often, but that is exactly the thing we want to prevent from happening. The way we can prevent it from happening is by dealing with it in a reasonable way, where all parties who are going to be affected by it can have some input.

#### AUTOMOBILE INSURANCE

**Mr. Swart:** I also have a question for the Minister of Financial Institutions, relating to the rather strange response he gave last Monday to the question put by my leader and myself on auto insurance. In an attempt to discredit the driver-owned public insurance plans, the minister quoted the Canadian Federation of Independent Business and said: "Members in British Columbia and Manitoba reported the greatest incidence of large increases, with 29 per cent in both provinces having to pay increases of more than 50 per cent."

I wonder whether the minister would now admit that his figures, as confirmed to us by the CFIB, had nothing to do with auto insurance but represented only general liability coverage to its small business members?

**Hon. Mr. Kwinter:** That is what I said. I never for one moment referred to automobile insurance. What I was suggesting, if the honour-

able member will listen, is that the situation—It is too bad the leader of the third party is not here. When he talked to me, he suggested that one of the things I had said was somewhat moronic, and I am reminded of a story. There used to be moron jokes. One moron joke was: A moron lost a dollar and he was looking for it out in the hall. Someone said, "Where did you lose it?" He said, "I lost it in the other room, but I am looking here because the light is better."

The leader of the third party refers to insurance in Manitoba. He refers to what they are doing there but ignores the situation in Ontario. I am suggesting that if he can get Manitoba to quote rates in Ontario, then we can compare. I am also suggesting that with respect to government insurance in both British Columbia and Manitoba, other than car insurance—where they are caught in a situation in which they do not have the political will to address it—in the other areas either they have gone out of the business or their rates have increased, as that shows, by 50 per cent.

**Mr. Swart:** I cannot refrain from saying that the right man is telling the moronic jokes. He understands them.

**Mr. Speaker:** A point of order?

**Mr. J. M. Johnson:** Mr. Speaker, do you not think that the minister should apologize to the member for implying that he is a moron.

**Mr. Speaker:** That is a point. However, I listened very carefully and I do not think that was the case.

**Mr. Swart:** By way of supplementary, the minister may think it is his style, but I think the people of this province will think it is something of a cop-out to answer a question on auto insurance with a reply on liability insurance.

Now that he has admitted, as he has, that the CFIB refers to liability insurance only in British Columbia and Manitoba, I want to ask him whether he is so out of touch with the real world of insurance that he does not know that the Social Credit government of British Columbia sold off its liability insurance almost two years ago, in February 1985. In Manitoba, the bulk of liability insurance is sold by the private sector. Therefore, will the minister concur with me today, as he inadvertently did on Monday, that the rates of private insurance companies are a ripoff?

**Hon. Mr. Kwinter:** If the member would only admit it, the reason both those jurisdictions got rid of their liability insurance was that it was costing the people of those provinces millions of dollars. They were losing their shirts and they got

out of that business. That is the reason. It had nothing to do with anything other than that it made no sense for them to be in that business.

**Mr. Swart:** The minister is wrong again. The Social Credit government sold it off because it is a right-wing government, as this government is. The Manitoba government still has its public liability insurance.

**Mr. Speaker:** Has the member a question?

**Mr. Swart:** Yes. Given the minister's colossal ignorance of what has taken place and is taking place in the driver-owned public auto insurance plans in the west and given that he probably does not even know that the auto insurance rates of the public plans had no increase in 1985 and 1986, compared to an increase of 35 to 40 per cent in Ontario—yet the private casualty and property insurers here are making their highest profits ever—why does the minister not simply admit he is a lackey for the private insurance companies, that they will get from him what they want and, as far as he is concerned, the motoring public be damned?

**Hon. Mr. Kwinter:** The member, as usual, tries to cover up facts with rhetoric. I have a headline here from the Winnipeg Free Press, which I have shown to the member before. It says, "Autopac Expected to Lose \$4 Million." That is the situation in the Winnipeg paper. It says, "A Manitoba Public Insurance Corp. source says that Autopac's losses this year could even be higher." If the member would only get his facts straight and make the arguments based on facts, we could deal with them.

#### SALE OF LANDS

**Mr. Partington:** My question is for the the Minister of Municipal Affairs, who continues to duck his responsibilities under the Municipal Act. Will the minister tell this House the date on which he or his staff notified the town of Vaughan that he would not be conducting a commission of inquiry into the questionable land sales in that community involving a certain high-profile Liberal?

**Hon. Mr. Grandmaitre:** While the ministry was conducting the review of the land sale that took place in Vaughan, we were advised that the Ontario Provincial Police was also conducting a similar review of the procedures used in the sale of these lands. Therefore, the ministry simply co-operated with the OPP and we discontinued our review. Even today, the OPP still continues to conduct its own investigation.



**Mr. Gillies:** On December 8, the minister told the House he did not believe an inquiry was necessary under section 180 of the Municipal Act in this matter. Today we have his internal report before us, which cites extensive use of in camera meetings surrounding these land deals, amendments to agreements by staff following council approval and, most seriously, the lack of public advertising and tendering for the sale of public industrial land. He alludes to all these things, but nowhere in this report can the members of this House learn why.

What is the motivation behind this? Why will the minister not launch a proper inquiry into this matter?

**Hon. Mr. Grandmaitre:** The honourable member will read on page 17 of the report that I am still awaiting the OPP report, whenever the investigation is concluded. Pending that report, there is a possibility the ministry will conduct its own commission of inquiry, but we are awaiting the final OPP report, and it says so right on page 17. Nowhere in my report or the minister's report do we make any allusion to any coverup of anybody in this House.

14:40

**Hon. Mr. Nixon:** Mr. Speaker, on a point of order: The member's original question made an allusion to a high-profile Liberal in the area. It is a very serious innuendo. I am not doing anything but drawing it to your attention, but it seems to be quite seriously inappropriate for a statement such as that to be made here or anywhere.

**Mr. Speaker:** Does the member for Brock wish to make any comment?

**Mr. Partington:** No.

**Hon. Mr. Nixon:** The honourable member maligned a very large group of individuals. I do not think that is fair or appropriate and I consider it highly irresponsible.

**Mr. Davis:** If the shoe fits, wear it.

**Mr. O'Connor:** If you do not like it, you know what you can do with it.

**Mr. Speaker:** Order.

#### SUNDAY TRADING

**Mr. Mackenzie:** I have another question for the acting Solicitor General. Giving the record of compliance and the Sunday shopping problem in the past in Ontario, can the acting Solicitor General tell this House clearly whether the protection the government is now talking about will also apply to the small shop owners in each individual mall, such as Lime Ridge Mall in

Hamilton, owned by Cadillac Fairview, if those shops decide to stay open?

**Hon. Mr. Scott:** I believe it will.

**Mr. Mackenzie:** Can the minister clarify that point, not only in terms of owners of the small shops or franchise operators, but also in terms of the management or managers of these shops? Will that be included in the legislation he is bringing in?

**Hon. Mr. Scott:** The amendment applies to all employees who are covered by the act. The manager of a store, unless he is the owner of the store, is an employee of the store.

#### AGRICULTURAL FUNDING

**Mr. Stevenson:** I have a question for the Minister of Agriculture and Food. Doug Downey, Norm Prentice and Grant Ferguson are all prepared to put in writing that they would not have obtained operating credit for their 1986 potato crop if it had not been for a phone call from one of the ministry staff to their bankers in Shelburne. Why is the minister continuing to cover up that he and his ministry led these farmers and their bankers astray?

**Hon. Mr. Riddell:** If you sweep a basement often enough, you will eventually get most of the cobwebs. I have answered the member's question three times now. I gave him the scenario of what took place. The only inkling my staff could have given anyone was that I was prepared to go with a cabinet submission for some financial assistance, but that was not until July or August, long after the potato producers had planted their crops. How in the world could the potato producers have based their decision to plant on that, when I did not even hear about Natural Fry and the situation it was in until June, and we were not prepared to go with the cabinet submission until some time in July or August.

**Mr. Stevenson:** How about October or November?

**Mr. Speaker:** Is that your supplementary?

**Mr. Stevenson:** In the minister's estimates, he said much about the confidence he has in his ministry staff. He also said he is the captain. Clearly, he has the responsibility for the actions of his staff.

We also know the name of the person who made the phone call. There is no secret about that. It is very clear that staff person would never have made that call had it not been for utterances from the minister around the ministry that financial support would be forthcoming.



Will the minister not now agree that his sloppy handling led those potato growers into a \$400,000 boondoggle?

**Hon. Mr. Riddell:** As I said to the honourable gentleman when he posed the question yesterday, if he can send me any written commitment my staff or anyone else made which would encourage those growers to plant potatoes, then let him send that over to me, and I will be more than glad to have a look at it.

I am not sitting by a telephone listening to what my parliamentary assistant and my ministry staff are saying. The member even accused the Premier's office of giving the growers some kind of encouragement. I cannot sit by a telephone and know what is coming out of all these offices. I stand behind my staff, and my staff did not give the growers any indication in April and May, when they were planting, that we were going to be rendering financial assistance, because I did not know about Natural Fry and its insolvency until June.

#### FREE TRADE

**Mr. Foulds:** I have a question for the Premier. Two developments have taken place this week with regard to free trade matters. First, Simon Reisman and Peter Murphy have set up the free trade talks and, second, the Treasurer (Mr. Nixon) released a government report which indicated that free trade would be dangerous to the services industry, particularly to the financial services industry that is so important to Ontario. Can the Premier tell me what steps he is taking to make sure the financial services industry does not become in 1987 what the softwood lumber industry became in 1986 because of his inaction?

**Hon. Mr. Peterson:** I do not think the two situations are analogous. This government is paying a great deal of attention to the services area. I do not think enough attention has been paid to it, not only with this government but also in other jurisdictions, given the very important role it plays in the economy.

That is a sweeping report with a number of ideas in it, the ideas of the author in that regard. That report will be shared with Mr. Reisman, his staff and others who are in the process of discussing these matters. At the moment, I do not know of any action on the issue, but the United States is particularly interested in the services area at the General Agreement on Tariffs and Trade talks, as well as the bilateral talks. I cannot tell my honourable friend how that will develop. I do not know whether it is being discussed by Mr. Murphy and Mr. Reisman today or

tomorrow—it may or may not be—but it is something we will be watching very closely.

**Mr. Foulds:** The Premier knows very well, and it is common knowledge, that the services sector, including the financial services sector, is on the free trade bargaining table. I want him to tell us what steps he has taken, with that knowledge in his mind, to protect the services industry in Ontario and to make sure it is not traded away, the way softwood lumber has been.

**Hon. Mr. Peterson:** With respect, I do not see an analogy between the two. This government has done a number of things in the services area. The member will be aware of the things we have done in financial regulation. It is our view that we have the capacity to be internationally competitive in the services area, particularly in financial services and others. We are building policy supports in those areas and in a number of others—engineering and architectural services—where indeed this country has an international reputation.

Depending how this thing develops—and I honestly do not know the pattern to that discussion on the services side now—we will not sit back and deal away this country's future. I think the member can be assured of that. I am frustrated, and perhaps I am frustrating the member, because I cannot answer the question more specifically; I am not in a position to do that today, and neither is anyone else.

14:50

#### INFLUENZA VACCINE

**Hon. Mr. Elston:** On December 1, the member for Lincoln (Mr. Andrewes) asked whether the government would be prepared to cover the cost of vaccine for haemophilus B influenzae vaccine. I am prepared to respond today, as I said I would at a later time, and advise that the cabinet has approved coverage of the cost of the vaccine following today's date.

Haemophilus influenzae meningitis is caused by a bacterial meningitis and it results in several things happening, including the development of epiglottitis—which is a form of croup—arthritis and pneumonia in children who are five years old and younger. We will be prepared to pay the cost of the vaccination of children over two years of age, at a cost to the government of about \$1 million a year.

Just for the information of the people here in the House, we do not yet have a vaccine available for children under two years of age, but I understand some work is being done to develop further vaccines for those children. I understand

it is being looked at now by the Department of National Health and Welfare, but it will be some time before it is available.

**Mr. Andrewes:** Would the minister agree that when this vaccine is available and approved, his ministry will cover those costs as well?

**Hon. Mr. Elston:** It is a little early for us to consider the vaccine, which is not yet even fully developed or approved by the federal government. Obviously this government, looking to the welfare of the people of the province, will be very willing to view the opportunities it has to fund the vaccines that become available to protect the citizens of the province. Since approval may be several years off, we will be pleased as a government to view that very seriously when it comes back to us.

[Later]

**Hon. Mr. Elston:** On a point of order, Mr. Speaker: I inadvertently misspoke myself when I was reading quickly from my notes so I would not be accused of delivering a statement.

I would like to correct the record by indicating that haemophilus influenza meningitis is a significant cause of the following diseases: bacterial meningitis; epiglottitis, which is a form of croup; arthritis and pneumonia in children of five years and under. I earlier indicated that bacterial meningitis was a cause of those other diseases, and that is not the case.

In any event, there were 158 reported cases of this disease last year. We will be funding the vaccine to eliminate this disease in the upcoming year.

#### AGRICULTURAL FUNDING

**Mr. Stevenson:** My question is to the Minister of Agriculture and Food, who has stated now two days in a row that unless allegations are in writing, he will treat them as being unfounded. Does the minister believe statements by a former Liberal candidate to CKBB in Barrie about promised forthcoming funding to be indeed unfounded?

**Hon. Mr. Riddell:** I cannot verify any kind of statement that has been made to any kind of news media. All I know is that the growers the member mentioned have not approached me personally about the matter. No Liberal candidate has approached me about the matter. No one has approached me. The member is the only one who is standing in this House and making these kinds of allegations. I simply have to tell him that unless he is prepared to show me in writing where

my staff has been negligent in any way, I have to treat his allegations as unfounded.

Interjection.

**Mr. Speaker:** Order.

**Mr. Stevenson:** The former Liberal candidate surely does not consider this as unfounded or he would not be going over the minister's head into the Premier's office to try to get some action. Would the minister not agree that his half-baked actions and his chippy responses here in the Legislature have left the potato growers in a real mash?

**Hon. Mr. Riddell:** The potato growers are not in a mash. The only one who is in the mash is the honourable gentleman posing the question.

The potato marketing board had its annual meeting yesterday and it passed a motion to go ahead and develop a financial protection plan. I expect the board will be asking for a meeting with me within the very near future, and at that time we will take a look at whatever options may be available for those growers. However, the growers are not in any kind of mash or mush; it is the member for Durham-York (Mr. Stevenson) who is.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Martel:** I have a question for the Minister of Labour regarding repeat orders. As I understand it, having had people write anything but orders, the minister now has a policy that says they will not write new orders, the inspectors are forbidden from doing so, and they are informed to proceed under clause 37(1)(b), which is a failure to comply with an order. As I understand it, the inspector fills out a special action request, and this is filed with the manager. The inspector can recommend no prosecution for failure to comply. These are kept in the regional office.

Can the minister tell me how many special action requests for failure to comply have been filed without a recommendation to prosecute? In other words, how many orders have not been complied with at all?

**Hon. Mr. Wrye:** We have had some considerable debate about this. Part of the considerable debate has even surrounded when those work place parties, both management and workers, wish us to allow some additional time. We have been very strict in ensuring that we do not write repeat orders and that section 37 notices are the proper way to go. That will then allow an inspector, as the member points out, to file a section 37 and initiate at least a review of whether the failure to comply was a technical violation or



something done quite deliberately and for the matter to be reviewed.

Obviously, if there is no compliance, then a prosecution is much more likely to follow, and I would suggest to the honourable member that it would indeed follow.

**Mr. Martel:** The minister fails to answer my question. I asked him how many have sat in there. He has decided not to write anything in his annual report on the failure to comply.

The second step in this process, as I understand it, is that a special action request, if there is a recommendation by the inspector, goes down to the legal branch for consideration as to whether they will prosecute. That being the case, can the minister tell me how many special action requests recommending prosecution have been filed with the minister, how many have resulted in a conviction and how many have not been acted on at all and are just sitting there?

**Hon. Mr. Wrye:** Obviously the member thinks I come to this Legislature with every figure that will simply satisfy whatever today's whim is. However, I have a couple of figures. In the first six months of this year, the number of referrals to the legal branch was up by 155 per cent over last year.

The member has chosen to use some numbers over a period of time, but while I am on my feet, I thought it would be useful for the House to know that in the first 10 months of this year, the number of accidents reported to the Workers' Compensation Board was up by 2.3 per cent over last year. Of course, employment in the first 10 months of this year was up by 3.5 per cent.

I thought it would be useful to give a couple of comparisons to the House. In Quebec in that same period—

**Mr. Martel:** The question was on orders, not on industrial accidents. The minister might want to deal with the question.

**Hon. Mr. Wrye:** The member does not want to hear the numbers again.

**Mr. Martel:** Any old place in the ball park does for him.

**Mr. Speaker:** Order. Would the honourable member take his seat.

**Mr. Martel:** Tell him to answer when he is asked.

**Mr. Speaker:** No. Order. New question.

**Mr. Martel:** If you want to make a statement, make a statement about it.

**Mr. Speaker:** Would the member for Sudbury East take his seat.

15:00

## REIMBURSEMENT OF DOCTORS

**Mr. Sterling:** I have a question of the Minister of Health. Why is the government of Ontario paying from 50 per cent to 100 per cent more to Ontario doctors for treating Ontario residents, as compared to what Ontario doctors are paid by the government of Quebec for Quebec patients who receive exactly the same treatment in Ontario?

**Hon. Mr. Elston:** The honourable gentleman is not suggesting that we pay our physicians less. Presumably, he is asking why the Quebec government is not paying as much for treatment of its patients. I presume that is what his question is.

When patients from another province are treated in Ontario, we have worked out a reimbursement mechanism between the two provinces. Some of the physicians the member is talking about have been members of la Régie de l'assurance-maladie du Québec, which is the Quebec payment plan. A number of them have withdrawn, as I understand it, but the rate of reimbursement by the Quebec government for services to its patients is established by the Quebec government.

**Mr. Sterling:** The minister must realize that in the Ottawa-Carleton area in particular, a good doctor is not going to refuse to treat a patient whether he comes from Quebec, Ontario or wherever. Does the minister think it is fair to ask the Ontario doctors in effect to subsidize Quebec at this time? Why does the minister not work out an arrangement so they are properly compensated for the services they are providing?

**Hon. Mr. Elston:** The honourable gentleman is getting a little off the mark, inasmuch as I have been meeting with the physicians from Ottawa and indicated I was sympathetic to their concerns. However, when it comes to spending money from Quebec, the authorities who have to make decisions on how that money is allocated are the people who control the Treasury in Quebec. I believe, as the member does, the people in Ontario will provide the service to the patients whether they are from Ontario or Quebec, and we do that, but in terms of reimbursement criteria, those are worked out on a contractual, consensual arrangement, and they may have to be reworked.

I can tell the honourable gentlemen, who is shaking his head over there, that already there are some arrangements being considered by the Quebec government that are not yet in effect, and at this point we are unsure about when they will



come into effect, that may partially assist the Ontario physicians. However, even those arrangements will not bring the Quebec reimbursement up to the level of the Ontario physician providing services to the Ontario patient. That being the case, I have indicated to the people who came to see me, as representatives of the Ottawa Academy of Medicine, my interest in pursuing questions about the reimbursement they receive for Quebec patients. I will be doing that in January.

### HAZARDOUS WASTES

**Mrs. Grier:** Now that the Minister of the Environment has arrived, I have a question for him. Given that his daily briefings are taking longer and longer, perhaps it is not too much to ask that I get a brief answer to the question, so we can all get on.

For two years, the Ministry of the Environment has allowed Spar Aerospace in North York to store more than 300 plastic drums containing cyanide waste on its property, open to the elements, subject to freezing, cracking and whatever. Only when this came to public attention was this threat to both workers and the community removed.

Does the minister agree with this apparent policy of allowing industries to create their own hazardous waste dumps rather than take it to safe disposal?

**Hon. Mr. Bradley:** All the activities we undertake as a ministry are designed to provide the kind of protection the public so much deserves in terms of the potential environmental consequences that could result from any misuse or improper storage of a product. Although it is not the ultimate solution, I am encouraged that there are individuals within our society—the member was there when we discussed this at McMaster University at a conference, and she was involved in this same subject—who are employed at various places and who assist us by pointing out problems that might exist. They are protected by the Environmental Protection Act, which is the whistle-blowing provision that does not permit that.

I share the member's concern. Whenever these matters are brought to our attention, we deal with them as a ministry as expeditiously as possible. I can assure her that if she has suggestions that may be of assistance to us in dealing with matters of this kind, she knows I am very open-minded and prepared to accept the recommendations that are made if they are reasonable.

**Mrs. Grier:** The minister seems to have missed the point of my question, which was that his ministry officials considered the outside storage of plastic drums of cyanide waste acceptable and allowed them to remain there for two years. Can the minister give us some assurance that he is going to strengthen the regulations and not allow this kind of dumping and disposal to continue and not allow companies to get away with avoiding the costs of safe disposal of hazardous products?

**Hon. Mr. Bradley:** We want to encourage industries at all times to deal with matters in the most environmentally sound fashion. The member draws to our attention some of the concerns that exist in terms of the cradle-to-grave treatment of wastes. As she will know, regulation 309 dealt with that to a large extent. Companies had to have their waybills in a much better fashion than in the past. In fact, there was a tracing of these contaminants from one place to another.

I think the member is referring to companies that do so right on their own site in a way that is improper, rather than having to transport wastes to other places. I can assure the member that I want to explore this and investigate it further and come up with ideas and proposals that are conducive to producing an environmentally safe work place and an environmentally safe company yard. I assure the member that is my intention.

### COURT DRESS

**Mr. Callahan:** My question is directed to the Attorney General. I understand that the senior provincial court judge in Ottawa has requested that lawyers appearing in provincial court be gowned in the garb I understand to be by tradition that which is worn in a district court or a Supreme Court. I would like to inquire of the Attorney General whether his ministry was aware of this before the request was made and whether the request is one that will be followed in the other provincial courts.

**Hon. Mr. Scott:** I was not aware that order had been given by a provincial judge in Ottawa. I will look into it.

**Mr. Speaker:** New question, the member for Eglinton.

**Mr. McFadden:** Mr. Speaker, I had a question for the Minister of Colleges and Universities (Mr. Sorbara). I do not know whether he is still in the chamber. I guess he has gone. I could ask a question of the Premier (Mr. Peterson) but all I can see of his desk is a box. Is the Premier in the box? I had better save it for

tomorrow or Christmas Eve. I will stand down my question.

### WATER QUALITY

**Mr. Stevenson:** I have a question for the Minister of the Environment. The multimillion-dollar sewage-works upgrading program in many towns around Lake Simcoe is largely completed. The Lake Simcoe strategy study put in its report in October 1985, giving its recommendations and asking for funding for moves in the future to continue the upgrading of the water in Lake Simcoe. I understand the minister is the Vice-Chairman of Management Board. Why has it taken more than a year to get a submission to cabinet for future funding for work on Lake Simcoe?

**Hon. Mr. Bradley:** The member will know from his stint in government that matters of this kind must receive a good deal of consideration. He will know that applications are made to the Ministry of the Environment by a number of municipalities relating to the provision of either sewer works or water works. The member will know as well that, just as he is interested in this project because of the geographic location of his constituency, there are other members in the House who have—

**Mr. Stevenson:** Why do you not say you do not even know what I asked you about?

**Hon. Mr. Bradley:** I happen to know because the member sent me a letter or a press release, one of the two. I read the member's dissertation on this. I even signed a letter of reply to him, from which he can quote in the House. Of course, it has not arrived yet; the member's federal friends in Ottawa must be responsible for that.

Interjection.

**Hon. Mr. Bradley:** Not the post office.

**Mr. Stevenson:** It is totally the provincial government, your own ministry staff.

**Mr. Speaker:** Order.

**Hon. Mr. Bradley:** I am trying to reply to the question. The response to the member is that we are evaluating all the projects that are brought forward for our consideration and will be making the announcement of funding at the appropriate time.

### PETITIONS

#### PROPERTY ASSESSMENT

**Mr. McFadden:** I have a petition signed by 21 residents of Toronto, which is worded as follows:

"We, the undersigned, are opposed to the imposition of market value assessment on Metro Toronto by the provincial government. The higher property taxes for many north Toronto home owners as a result of market value assessment would pose a tremendous financial hardship on many individuals, particularly those on fixed incomes, single-parent families, seniors and low-income workers.

"The people of Ontario are already paying too much in taxes. The increases in property taxes under market value assessment, caused by escalating land prices in Metro Toronto, would not result in a corresponding increase in municipal services.

"The imposition of market value assessment on Metro Toronto by the provincial government will not only cause financial hardship for many people, but also it will have a destabilizing effect upon neighbourhoods and families in north Toronto. We urge the provincial government not to impose market value assessment on Metro Toronto home owners."

This petition is addressed to this Legislature and to the government.

**Mr. Speaker:** I hope this might be the last time in 1986 that I have to ask the members to refrain from carrying on so many private conversations.

#### SUNDAY TRADING

**Mr. Partington:** I have a petition signed by 811 members of the Christian Reformed Churches in St. Catharines—the Covenant, the Maranatha and the Trinity.

"To the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the members of the three Christian Reformed Churches in St. Catharines, hereby express our concern and objections to the use of Sunday as a regular day of business, which is increasingly being done by the major stores. We appreciate and support the action of those people who refuse to open their stores on Sundays and we endorse their stand.

"We, the members of the three Christian Reformed Churches in St. Catharines, represent about 2,500 people who live in the city and surrounding area and we urge you to keep stores closed on Sundays."

**Mr. Speaker:** I hope this is the last time in 1986 that I have to ask members to refrain from holding so many private, loud conversations.

**Mr. Rowe:** I have a petition to his Honour the Lieutenant Governor signed by 99 constituents



from St. George's Allandale Anglican Church in Barrie. It reads:

"We, the undersigned, believe in keeping Sunday as a holy day in order that all people grow in holiness, i.e., 'wholeness.' For this they need a regular time for 're-creation' together."

I have a second petition, signed by 416 constituents, against Sunday shopping.

**Mr. McCague:** I have two petitions, one from 90 constituents and another from 79, again opposed to Sunday shopping.

#### NATUROPATHY

**Mr. Mancini:** I have a petition addressed:

"To the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

This petition is signed by approximately 30 people.

#### REPORT

##### STANDING COMMITTEE ON THE OMBUDSMAN

Mr. Newman, on behalf of Mr. McNeil, from the standing committee on the Ombudsman presented the committee's report and moved the adoption of its recommendations.

On motion by Mr. Newman, the debate was adjourned.

**Mr. Martel:** Mr. Speaker, I beg your indulgence. I missed a petition. May I present a short petition on store hours on behalf of—

**Mr. Speaker:** Do members agree that we revert to petitions?

Agreed to.

#### PETITION

##### SUNDAY TRADING

**Mr. Martel:** Thank you, Mr. Speaker, and I thank the House leaders. Very briefly, this is on behalf of good Catholic women of my area, who are opposed to Sunday shopping, and I want to

join with them. I am pleased that today's decision should help matters.

#### REPORT

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Breaugh from the standing committee on the Legislative Assembly reported the following resolution:

That supply in the following supplementary amount and to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1987:

Office of the Assembly program, \$6,677,400.

#### MOTIONS

##### COMMITTEE BUSINESS

Hon. Mr. Nixon moved that, notwithstanding any previous order of the House, changes be made with respect to the consideration of the estimates in the following committees:

In the committee of supply, the estimates of the Ministry of Housing to be considered for 12 hours and 30 minutes before the completion of the estimates of the Ministry of Intergovernmental Affairs; in the standing committee on administration of justice, the estimates of the Ministry of Municipal Affairs to be transferred from the standing committee on resources development to the standing committee on administration of justice and to be considered for five hours before the estimates of the Ministry of Financial Institutions; in the standing committee on general government, the time remaining for the consideration of the estimates of the Ministry of Industry, Trade and Technology to be reduced to seven hours and 30 minutes;

In the standing committee on resources development, commencing January 12, 1987, the estimates of the Ministry of Northern Development and Mines to be considered before the estimates of the Ministry of Labour, and in the standing committee on social development, the estimates of the Office Responsible for Women's Issues be transferred from the standing committee on administration of justice to the standing committee on social development and to be considered for seven hours and 30 minutes before the completion of the estimates of the Ministry of Health.

Motion agreed to.

15:20

##### COMMITTEE TRAVEL

Hon. Mr. Nixon moved that the subcommittee on members' services of the standing committee



on the Legislative Assembly be authorized to adjourn to Boston, Massachusetts, and Harrisburg, Pennsylvania, during the week of January 4, 1987.

Motion agreed to.

## HOUSE SITTINGS

### BUSINESS OF THE HOUSE

Hon. Mr. Nixon moved that when the House adjourns today, it stand adjourned until 1:30 p.m. on Monday, January 12, 1987.

**Hon. Mr. Nixon:** Mr. Speaker, before you carry that motion, I will indicate to the members what the business will be during the week when we return.

On Monday, January 12, we will do estimates of the Ministry of Housing in committee of supply; on Tuesday and Wednesday, January 13 and 14, Bill 165, adoption disclosure; Bills 150, 151, 152; Bill 90, Metropolitan Toronto Police Force complaints; Bill 139, model law, and Bill 127, Surveyors Act.

On Thursday, we will private members' resolutions in the name of the member for Hastings-Peterborough (Mr. Pollock) and the member for Durham-York (Mr. Stevenson) and Housing estimates.

Motion agreed to.

## COMMITTEE SITTINGS

**Hon. Mr. Nixon:** It might be useful to know that committees will begin on Monday, January 12. The standing committee on social development will deal with the estimates of the Office Responsible for Women's Issues; the standing committee on resources development, estimates of the Ministry of Northern Development and Mines; the standing committee on administration of justice, the Ministry of Financial Institutions, for five hours—that is probably wrong—and the standing committee on general government, the Ministry of Industry, Trade and Technology.

## INTRODUCTION OF BILLS

### INDIAN LANDS AGREEMENT CONFIRMATION ACT

Hon. Mr. Kerrio moved first reading of Bill 183, An Act to confirm a Certain Agreement between the Governments of Canada and Ontario.

Motion agreed to.

**Hon. Mr. Kerrio:** I am pleased to announce for first reading legislation that will ratify the 1986 Indian lands agreement. The new agree-

ment does not change nor attempt to change any rights of Indian bands within our province. Members will recall that until now many of the issues surrounding Indian reserve lands and natural resources on these lands have been governed by the Indian lands agreement of 1924. That agreement has now been proved vague, ineffective and unsatisfactory.

With the new agreement, developed in consultation with the federal government and representatives of the Indian bands, we intend to accomplish two goals. First, it will stand with the 1924 agreement and provide a mechanism to correct existing deficiencies. Second, it will allow individual Indian bands to join with Canada and Ontario to negotiate and implement specific land and natural resources accords.

The cabinet supported the context of this agreement in October 1985. Both the federal Minister of Indian Affairs and Northern Development and I have signed it. I anticipate our colleagues in Ottawa will ratify it shortly.

## RETAIL BUSINESS HOLIDAYS AMENDMENT ACT

Hon. Mr. Scott moved first reading of Bill 184, An Act to amend the Retail Business Holidays Act.

Motion agreed to.

**Hon. Mr. Scott:** In my statement today, I described the bill, which has essentially two provisions.

One is to make it a quasi-criminal act either to counsel or to require an employee to work in a retail establishment on a Sunday or a holiday if the retail establishment is within the ambit of the Retail Business Holidays Act. It is a companion to a bill that will be introduced shortly.

It also authorizes the Solicitor General through his counsel to apply to the court for an order compelling the closure of any store that is open in breach of the legislation.

## EMPLOYMENT STANDARDS AMENDMENT ACT

Hon Mr. Wrye moved first reading of Bill 185, An Act to amend the Employment Standards Act.

Motion agreed to.

## PUBLIC OPINION POLLS

**Hon. Mr. Nixon:** Mr. Speaker, before the orders of the day, I wish to table the following public opinion polls: a survey on animal rights, a survey on homes in Ontario and a survey on attitudes towards energy in Ontario.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES AND RESPONSE TO PETITION

**Hon. Mr. Nixon:** I would like to table the answers to questions 302, 337, 376, 415 to 446, 454, 494, 503, 514 and 520, interim answers to questions 518, 519, 525, 526, 527 and 528 and a response to a petition presented to the House, sessional paper 232, standing in Orders and Notices. I wish to table as well the answers to questions 378, 388, 394 and 408, standing in Orders and Notices [see Hansard for Thursday, December 18].

I want to thank very much the staff of the Cabinet Office for working so diligently with innumerable public servants in all ministries to obtain this information and to make it available to the members of the House.

### ORDERS OF THE DAY

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 108, An Act to amend the Insurance Act;

Bill 112, An Act respecting the Enforcement of Statutes related to the Environment;

Bill 158, An Act to continue the Canadian Insurance Exchange;

Bill 167, An Act to amend the Assessment Act.

#### CITY OF NORTH YORK ACT

Mr. Andrewes moved, on behalf of Mr. McCaffrey, second reading of Bill Pr2, An Act respecting the City of North York.

Motion agreed to.

Third reading also agreed to on motion.

**Assistant Clerk:** The 147th order, second reading of Bill Pr7, An Act respecting the County of Huron, Mr. Reycaft.

**Mr. D. S. Cooke:** On a point of order: When we discussed the orders for today, my understanding was that we were going to deal with order 146 next. Any of the items that were taken off Orders and Notices were taken off with the agreement of all three parties. Bill Pr6, An Act respecting the City of Windsor, has been discussed in committee twice and has been passed twice by the committee, and no one advised me until five minutes ago that we were not going to proceed with the bill.

I would appreciate having the opportunity to move second and third reading of Bill Pr6.

15:30

**Hon. Mr. Nixon:** Mr. Speaker, you have heard this argument before. It is the contention of the government that there is a public bill before the House that deals with at least one important section of the matter dealt with in Bill Pr6, and it is not our policy or our decision to call the bill at this time. It will be on Orders and Notices, and if there remains any ambiguity, it can be worked out when we return in three weeks.

**Mr. D. S. Cooke:** Further on the point, this matter has been discussed in committee. The majority of the committee decided the bill should go forward. There is an important section of this bill on community right-to-know legislation, which was originally initiated in the community because a commodity was being stored in the old Bendix plant in the riding of the Minister of Labour (Mr. Wrye). This bill is being passed to protect the constituents of the Minister of Labour and yet he is stopping the bill here today.

**Mr. Speaker:** Order. This is not the opportunity to debate that bill.

On the same point?

**Mr. Martel:** Yes. We went through this; we had this out in committee. The Liberal members of the committee originally attempted to get the thing ruled out of order because two private bills were on Orders and Notices. In fact they are not the same bills. The member for Brampton (Mr. Callahan), when he chaired the committee, having looked at them and having discussed it with people at the table, decided the motion was in order.

What is happening here is that, despite the fact there is a sunset clause in the bill which would remove that section from being enforced lest it interfere with the work place hazardous materials information system, the minister is hiding behind the WHMIS agreement to say they cannot have their bill. Their bill sunsets the WHMIS clause so that when WHMIS comes into agreement, this one goes out of existence.

**Mr. Speaker:** Order. Would the honourable member take his seat.

The member for Windsor-Riverside (Mr. D. S. Cooke) raised a point of order. I listened to that member as well as to other members. Order 146 is not before the House. As I have ruled on previous occasions, and as other Speakers have, it is the prerogative of the government House leader to call the order of business. That can be anything on Orders and Notices.



## COUNTY OF HURON ACT

Hon. Mr. Nixon moved, on behalf of Mr. Reycraft, second reading of Bill Pr7, An Act respecting the County of Huron.

**Mr. McClellan:** On a point of order, Mr. Speaker: I thought we had agreement on Bill Pr7.

**Hon. Mr. Nixon:** If there was an agreement, I had not understood it that way; but in the interests of whatever it is we are celebrating, we would be glad to proceed with that bill when we return in January. I will withdraw that order and call order 148.

Order withdrawn.

## CITY OF TORONTO ACT

Mr. Offer moved second reading of Bill Pr25, An Act respecting the City of Toronto.

Motion agreed to.

Third reading also agreed to on motion.

## CITY OF LONDON ACT

Ms. E. J. Smith moved second reading of Bill Pr28, An Act respecting the City of London.

Motion agreed to.

Third reading also agreed to on motion.

## CITY OF NORTH BAY ACT

Mr. Harris moved second reading of Bill Pr40, An Act respecting the City of North Bay.

Motion agreed to.

Third reading also agreed to on motion.

## 546672 ONTARIO LIMITED ACT

Mr. Andrewes moved, on behalf of Mr. Cousens, second reading of Bill Pr55, An Act to revive 546672 Ontario Ltd.

Motion agreed to.

Third reading also agreed to on motion.

REPORT, STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY  
(continued)

Resuming the adjourned debate on the motion for adoption of the recommendation contained in the report of the standing committee on the Legislative Assembly on the extension of the provisional standing orders until 12 midnight on June 18, 1987.

**Mr. Speaker:** Are there any comments?

Motion agreed to.

INTERIM SUPPLY  
(continued)

Resuming the adjourned debate on the motion for interim supply for the period commencing January 1, 1987, and ending March 31, 1987.

**Mr. Foulds:** I have a few brief comments on interim supply before we support the motion for passage. I want to remind the Treasurer (Mr. Nixon)—

**Miss Stephenson:** On a point of order, Mr. Speaker: I believe the last speaker in this debate was the member for Etobicoke (Mr. Philip) and it is my understanding that the speakers are going in rotation.

**Mr. Foulds:** I think the member is correct.

**The Deputy Speaker:** The member for York Mills (Miss Stephenson) is correct. Were the questions and comments of the member for Etobicoke completed? Does anyone on the government side wish to speak? Then the member for York Mills.

**Miss Stephenson:** I rise to participate, albeit briefly, in this discussion of the extension of funds to the government in order that it may pay the loyal civil servants who work so diligently on behalf of the people of Ontario, a matter we would not wish to see delayed or interrupted in any way.

However, I do so with some bemused humour when I recall the number of occasions over the past 11 years, at least 10 years, on which the government of the day requested interim supply for a period of some extension and was almost invariably opposed by the members of the Liberal Party, who now form the government.

15:40

**Mr. Mancini:** That is not your job.

**Miss Stephenson:** Really? Is it not our job to oppose you? I see. I do not know what kind of superhuman being the member thinks he is, but I can tell him he is going to be cut off at the knees, which will make him even shorter than he is.

This is a request that is reasonable to the end of the fiscal year, but it is not without some concern that I recall that on many occasions in the past there was no such concurrence from the official opposition. How things change when people move from one side of the floor to the other.

**Hon. Mr. Nixon:** How could we be more co-operative?

**Miss Stephenson:** One of those most guilty of this is the Treasurer. Poor lad, he has had such an emotional transmogrification in the move from one side of the House to the other that even his best friends do not recognize him any more.

Interjections.

**Miss Stephenson:** What is the member for Essex South (Mr. Mancini) doing over here? He



should get back over there. I want to heckle him; I cannot heckle him if he sits here.

**The Deputy Speaker:** Order.

**Miss Stephenson:** Mr. Speaker, I am appalled.

**The Deputy Speaker:** Carry on with your debate.

Interjection.

**The Deputy Speaker:** Order. The member is not in his seat.

**Miss Stephenson:** That is only because they are all taller than we are.

**Mr. G. I. Miller:** Stand up. I want to see who is taller.

**Miss Stephenson:** I am, I would like the member to know.

May we return to the very serious matter that is before us?

**Hon. Mr. Sweeney:** I think you have lost the punch on it.

**Miss Stephenson:** No, just wait.

I want to return to the very serious matter that is before us; that is, the need of the government to have funds in hand to pay for the programs for which the government is responsible.

Since the government has the funds within the Treasury, within the general account as a result of the windfall that has occurred, not as a result of its expertise but as a result of the improved economy within this country and the expertise of the management of the government that preceded it, I have no doubt there will be very little difficulty in ensuring that the funds are made available for the purposes for which they are to be delivered.

I would like to ask the Treasurer one or two, or perhaps even three, questions. The first is one I have asked before and to which I have not yet received a responsive, responsible answer. Given the amount of additional revenue that has accrued to this Treasurer, would it not have been wiser to have done something rather more significant in terms of the reduction of the cash requirements in Ontario this year? Would it not have been more responsible to have ensured that we are not carrying out programs within this province at this time at the expense of those young people who will become taxpayers in the not-too-distant future?

I am distressed at the thought of mortgaging the future of our children. When the kind of windfall the Treasurer has enjoyed this year occurred, I thought there would be a move in the direction of ensuring there would be a significant

reduction in that cash requirement and therefore a significant reduction in the total provincial deficit, which I think is important.

As a mother and grandmother, I do not want to see those generations burdened with requests for things we may not need but which we want in this province, simply because this generation has decided it is appropriate to spend whatever money we have on them. Why has the Treasurer permitted the unconscionable increase in administrative costs for this government to supersede the responsibility to decrease the deficit of Ontario?

I am concerned that in some instances there is very little increase for certain programs the people of this province think are important, while there is a very large increase in the administrative costs of the ministry looking after the program. He has not been able to bring himself to reduce the deficit, which he as a good farmer knows is the prudent thing to do when he has money, to prepare for the situation that will come in the not-too-distant future when he will not have a huge amount of money, because Grit times are hard times and we know that is so.

There is yet another question I would like to ask the Treasurer. Why has there been such a tiny bit of improvement in the funding he has made available to the post-secondary institutions, particularly the universities in the province, in the area of the renewal of faculty, which was probably one of the most significant recommendations of the Bovey commission? The amount to be allocated is smaller than was suggested and is to be stretched over a much longer period than was suggested. At present, it is folded in in a way that does not ensure the universities will use it for the purposes for which it is supposed to be allocated.

I believe the Treasurer has some responsibility to ensure that when significant amounts of additional money are made available—and they have not as yet been made available—there will be some assurance that the faculty renewal program, which was one of the backbones of the Bovey report, will be carried out in the way in which it should be.

A couple of days ago, we received an interesting red document, Ontario Study of the Service Sector. Everything is covered with red these days. It looks a bit bloody at times, but it is the colour of the Liberal Party and I suppose that is appropriate.

**Hon. Mr. Nixon:** Oxygenating.

**Miss Stephenson:** Not necessarily oxygenating. Carbon monoxide produces that colour.

Oxygen produces a scarlet colour that is a little less orange than the one the Treasurer chose.

The report, written by Mr. Radwanski, is one of some interest and I have read a relatively large part of it.

**Hon. Mr. Nixon:** It is not very long and it is easy reading; what happened to you last night?

**Miss Stephenson:** Because there is nothing in it; that is one of the problems.

**Hon. Mr. Nixon:** You sound like Garth Turner.

**Miss Stephenson:** No, I do not sound like Garth Turner; I sound like me.

The first thing I read was the section on education. I am informed that there was a study, at a cost of \$60,000, in support of that section on education which did not even discover that the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines had taken place and that Mr. Radwanski knows nothing about an assessment mechanism built into the secondary school program which has been there since 1984.

I am appalled that we would spend this amount of money to produce a document that is so totally nescient of the activities related to secondary school education which have taken place in the Ministry of Education during the past four years. I am equally appalled that the Treasurer hands out this document with some largess, suggesting this is the route to the future as far as Ontario is concerned.

Mr. Radwanski is going backwards, unfortunately, certainly in the area of education. It would be helpful if the Treasurer were at least to inform him that perhaps he might have explored a little further the developments within secondary education in Ontario and if the Treasurer were to provide us with the information about the tendering process carried out to hire Mr. Radwanski to produce this orange-red document, which it is at present, on the service sector within Ontario at a cost approximating, I gather, \$750,000.

I have not been able to glean any knowledge anywhere about the process of tendering which was, I hope, in place to hire Mr. Radwanski. Since he is Mr. Trudeau's chief apologist, one of the authors of Liberal policy via the editorial board of the *Toronto Star* and certainly one good Grit, I wonder whether there was any kind of tendering carried out. The *Manual of Administration*—and the member for Oriole (Ms. Caplan) knows this—demands that when this kind of money is going to be spent there be a reasonable process of tendering which will be public knowledge. I ask the Treasurer to provide us with

that information, because we have no such information at this time.

**15:50**

I am concerned that the amount of money being delivered to the Treasurer is spent in the most responsible and appropriate fashion. I have not been assured in the 18 months this government has been in place that its sense of responsibility as far as the taxpayers of this province are concerned is as highly developed as it should be. I urge all members on that side to persuade the Treasurer—who probably does not need persuading; he probably needs simply to be left to his own ideals—to return to that kind of responsible delivery of funds on behalf of the people of Ontario.

I hope they will all think seriously about the fact that every single dollar they are spending is not theirs; it is money belonging to the taxpayers of this province and is simply put through the process of the government of Ontario for the purposes of serving the taxpayers of this province. I hope they are doing that as effectively and as efficiently as they should be, but I have no such sense of reassurance at this point.

**Hon. Mr. Nixon:** I will use the two minutes at my disposal to respond to a number of the points the honourable member has made. I think she is aware that the deficit was reduced by an additional \$100 million beyond that projected in the budget, and while I would like it to have been more, still I think it reasonable. It amounts to the lowest per capita deficit in Canada, as the member is aware, and we are quite proud that this is a fact.

As a matter of fact, earlier in the day she was indicating that our deficit position was handed on in very good shape when she left the con. I think we have improved it even from that point. I will congratulate her if she can find it within herself to congratulate me. Otherwise, I withdraw my congratulations.

The indication about inadequate funding for universities seems to be a strangely anachronistic comment, as if it were left over from times gone by. I can remember making the same criticism myself when I was in opposition, but after the announcement of the university grants this year, the member may recall that all the university presidents working together took advertisements in the major dailies across Ontario thanking the government for its sensitivity and perspicacity in this regard; and they included their signatures, something that had never happened in this province before.



I regret the comment the member made about Mr. Radwanski, who authored the excellent report that is getting so many rave reviews everywhere but in Garth Turner's column. I have a feeling for that reason that the member probably gets all her ideas from Garth Turner. That is okay because he certainly is not a dumb person and he is a very good writer. I do not happen to agree with him. However, I thought some of the recommendations that Mr. Radwanski made, particularly in the area of education, were intensely interesting.

**Miss Stephenson:** Unhappily, I did not hear all of what the Treasurer had to say because—

**Hon. Mr. Nixon:** It was a setup.

**Miss Stephenson:** I know. The Treasurer's colleague just told me the Treasurer sent him over to distract me.

All I want to say is that it is interesting the Treasurer should bring up the point about the deficit per capita in Ontario being the lowest in Canada, and I congratulate him on maintaining that excellent level, which has been a characteristic of Ontario for so these many years. I am delighted to know he has not destroyed it completely.

All I am asking is that he improve the deficit position so we can get our Standard and Poor's rating back and so we do not burden future generations with our extravagances. We have been guilty of this in the past, and I am willing to say that out loud in this chamber. But I do not think we need the extravagance of the kind of administrative excess that appears in every single portion of the budget and the estimates this year. I am distressed about that and I want the Treasurer to know that.

**Mr. Foulds:** As I started to say before I was so pleasantly interrupted, we will be supporting the motion. I have only two or three very brief comments to make.

First, I remind the Treasurer of the stark reality of Ontario's economy. I have talked on this theme many times in this House and I will until the last day I occupy this chair. We have two economies in Ontario, and the northern Ontario economy really does need some serious attention. It needs attention in an interventionist way.

You cannot simply rebuild the economy of the north in the traditional way that the Progressive Conservatives tried to do, with the member for Kenora (Mr. Bernier) stumbling through the north like a wounded moose in a snowstorm, handing out money; neither can it be done in the way the Premier (Mr. Peterson) does by saying to the people of Terrace Bay, Geraldton or Nakina,

"It is up to you to pull yourselves up by your own bootstraps." You have to enable those people by giving them the power and the tools to do the job the Premier is asking them to do.

With that in mind, I recommend to the Treasurer once again the special northern Ontario development fund that was in my resolution 62, which the House agreed to. That fund would be set up to be administered by northerners so they could have power over investment and over their own economy.

Community planning agreements were recommended in the so-called Rosehart report, which I prefer to call the Wildman-Rosehart report because a lot of the recommendations we support and the government has failed to act on were put on that agenda by my colleague the member for Algoma (Mr. Wildman).

When a company goes into a community in northern Ontario, perhaps even in southern Ontario, it is important that there be in effect an agreement among the community, the company involved, the trade unions—the work force—and the government about what that company is going to do in its projections on manufacturing and production and in its manpower requirements. In that way, there would be openness and accessibility to corporate information, you would be able to plan the life of the community and with the use of the fund I talked about, you would be able to start developing alternative industries when markets force production down.

Second, and I want to spend only a second on this, there is the question of the deficit. I understand why the Conservatives are obsessed with the deficit. When a Conservative government in Alberta that had windfall profits from the oil industry finds itself in the unhappy position this year of having about a \$3-billion deficit on a \$12-billion budget, that is what I call a deficit and true Conservative financing.

Third, I want to talk for a moment or two about free trade. I raised a number of questions with the Premier this afternoon. I made a very brief statement earlier in the day and do not need to expand at length.

Part 2 of Mr. Radwanski's report, entitled The Challenge of Free Trade, indicates very clearly that free trade in services, in financial services in particular, has become one of the top priorities and objectives of the United States trade negotiators. We know, and it is common knowledge, that services are on the free trade bargaining table. If that is the case, then Ontario's economy, with 73 per cent of its jobs in the services sector, is on the bargaining line. If it is on the bargaining



line, we need a stronger response than the Premier was able to give to my questions this afternoon.

In effect, we need weekly updates from the Premier or the Treasurer on the status of those negotiations with regard to the services industry. We need to have that open and out in the public, and we need to have a further statement of what Ontario, the Premier and the Treasurer are doing to protect our jobs in that sector. This is not an easy matter.

This government was caught completely unaware on the softwood lumber issue. It did not realize the importance of the softwood lumber industry to Ontario's economy. It does not have that excuse this time. Its own report points out fully and explicitly the extent to which the services sector is the major engine of Ontario's economy at present.

It is extremely important that the government, especially with the acceleration in this past week of the free trade talks, makes sure Ontario's interests are protected. It may even come to the point where the Premier will no longer be a "yeah-but," saying "Yeah, but" to free trade but will have to say no to free trade.

I know it would be very hard for the Premier to have to stand up and actually defend Ontario's interests, because he is such a federalist; but in this case, with this industry and within the next month he must do that. He may have to take himself by his bootstraps and say no to free trade.

**16:00**

**Hon. Mr. Nixon:** I recognize the honourable member's continuing interest in and good advice to the House in general on northern development matters. I always listen to what he says in this connection, and I know the Premier does as well.

The thing that concerns everybody here is that the resource base for northern Ontario, and for many of the provinces of Canada as well as Ontario, seems to have moved out of its cyclical nature and into some sort of structural depression. It is very difficult for me as Minister of Economics with the information that is available to me, which I frankly believe is as good as any source of information, to see how this is going to improve in the next months or years.

The price of copper, for example, is below what it was in the most depressed years of our Depression economy. Nickel continues to have a low price and a falling price. The honourable member has already referred to the problems with softwood, and even the pulp situation, and various fibreboard manufacturing enterprises are having increasing difficulty. Therefore, we are

looking at how to deal with a structural dislocation rather than with some sort of tiding over a cycle. I hope 10 years from now we will see that it does have a cyclical nature and that the tremendous buoyancy of the value of northern resources will return. Frankly, I do not see it right now.

There may be an opportunity to discuss in further debate some additional responses of this government, in conjunction with the government of Canada, particularly as it reviews taxes for thoroughgoing tax reform, concerning what can be done in the long term to provide, not just assistance but also a different economic base. That is what we are searching for.

**Mr. Foulds:** I appreciate the Treasurer's interest. I am particularly struck by his idea and his understanding that it is not merely a cyclical problem but that we are in a very serious structural situation. What that means is developing alternative industrial opportunities in the north, and those have to be looked at very carefully.

**Mr. Andrewes:** I want to mention very briefly the response of the Minister of Health (Mr. Elston) today to my question of December 1, in which he indicated the ministry would undertake to cover the costs of the haemophilus B vaccine, which is an issue. Perhaps it is not a big issue, but it has been one of great concern to many parents who have children under the age of five.

The important aspect of the minister's action is that the government now officially recognizes the concerns of many of these parents and has agreed to include this vaccine, along with the other usual ones, mumps, measles, whopping cough and so on, in the category that is part of the programs of the boards of health for young people in Ontario.

I want to leave the assembly on a pleasant note by thanking the Minister of Health for acknowledging that and by indicating to him that this, like many other small issues, is of fairly major concern to many people. I could enumerate some of these issues; I have done so from time to time in statements. In government, members often look at the macro issues and forget about the smaller ones that can come to the surface.

Before I retire for the year, I want to say a word today about the statement made by the member for Niagara Falls (Mr. Kerrio), who is Minister of Energy and Minister of Natural Resources. In his statement, the minister picked up on recommendation 3 of the report of the select committee on energy, which recommended to the government the appointment of a world-class panel of

experts on the nuclear industry to study the safety and other features of the Candu reactor system, which has become a major part of the electrical system in our province.

Although it is perhaps a bit presumptuous of the minister to make such a fanfare of this announcement, since one man does not a panel make, it is an important announcement. We congratulate Professor Hare and indicate to him that he will have this party's co-operation and support as he undertakes his study.

Much to the chagrin of members of the select committee, certainly for myself as chairman and for the members of this party, there are still 23 recommendations of that select committee's report outstanding. Those recommendations include a fairly large number that fall under the category of increased legislative control of the province's public utility; they fall under the category of public review of the province's public utility.

These are issues that 20 months ago the Minister of Energy and members of his party, particularly the Premier, felt to be very pressing issues that should be dealt with immediately. Throughout the campaign of April and May 1985, they indicated publicly that once they became the government—if they became the government, which subsequently they did—they would make major changes. They appointed a select committee that undertook, after a great deal of study and research—I say that for the benefit of the Treasurer, because he paid the bill for the research—to produce what I think was a pretty good report.

The first two recommendations dealing with the Darlington nuclear station were majority recommendations of the committee but were not fully endorsed by all members of the committee. The government was very quick to pick up on those recommendations. Equally important are the 23 others. Any government or political party that has grandstanded for so long on so many occasions on this issue would want to move with haste to accept and implement them.

Interjection.

**Mr. Andrewes:** I am talking about the member for Essex South (Mr. Mancini) and his 51—his 50 colleagues who sit with him; 49 colleagues.

**Hon. Mr. Nixon:** It is changing every day.

**Mr. Andrewes:** It changes every day. I urge the Treasurer to pass on those words to his friend to his right, who on occasion is on his left, and indicate that the select committee feels somewhat

slighted that its 23 recommendations still lie untouched.

**16:10**

**Mr. Harris:** Yesterday, when I was responding to one of the other speakers, in discussion of the deficit, I brought to the attention of the Legislature what I thought was an interesting clip out of the newspaper. I might as well read it again as it is so short. It is from Ottawa, and it deals with Statistics Canada:

"Borrowings by federal, provincial and local governments during the third quarter totalled \$5.53 billion, a drop of 39 per cent from a year earlier, mostly because of the reduced federal deficit, Statistics Canada says. Borrowing by individuals, however, increased sharply to finance major purchases of consumer goods."

I found this little clipping to be one of the more interesting pieces of journalism I have read in some time, because it reinforces a theory I have. If government will keep its mitts off people's money and leave it in the hands of consumers, small business and the private sector, considerably more economic activity will take place, more jobs will be created, we will have a healthier economy and the government will have a host more money, as a result of that, to help those who truly need it. There are people in Ontario who do truly need more help, and most of us would like to give them more help than we appear to be able to do under existing programs.

There are two aspects I would like to highlight. One is something that we did not hear for 42 years. It was always the federal government that kept increasing borrowing, the amount of money it had to borrow to cover its interest payments went up and up, year after year, and it was Ontario that kept a pretty firm lid on these borrowings.

Something strange has happened in the past two years in Canada and in Ontario. One has been in Ontario over the past couple of years. The problem at the provincial government level is starting to become very alarming to people. It is not as apparent, because economic activity in the province, particularly in southern Ontario, is at a level that is almost embarrassing to the rest of the country. However, we know these things are cyclical, and the increase in government spending, increased taxation to cover that spending and a lack of reduction of the deficit here in Ontario during this situation are very alarming.

At the same time, it says the federal government's demands on these money markets have been significantly reduced over the past couple of years. People can argue in a partisan way over



decisions Ottawa is making, but I submit, and only on this aspect, because I do not want to get into a debate on all federal activities, Michael Wilson and the Prime Minister of Canada need to be congratulated for at least slowing down this growing tide of massive increases in the deficit, which has allowed the federal government to decrease its demands on that borrowing market.

The second part of this little article is the corollary this journalist has put on it and points out that when government borrows less money and places less demands on those money markets, borrowing by individuals increases sharply. Individuals are now able to have access to money at a relatively stable interest rate and are able to finance major purchases of consumer goods. Consumers are—and, of course, businesses, large and small, though the small ones have more difficulties getting access to money—are able to access that money market and carry on with the expansions, capital and otherwise, that they need to do. I mention that because it is not talked about very much. This is an example of the type of economics I believe in.

Briefly, before I leave the deficit and the lack of attack on the deficit, when the Treasurer comments on my remarks, he will say they have reduced it by \$100 million or \$50 million, or whatever it is, but in those two years—and I do not have my copy of the budget with me, so I will go off the top of my head and he will correct me—either from increased economic activity or massive tax increases—in the first budget particularly of about \$700 million and modest tax increases in the second one—but mainly because of the economic activity, his revenues are up by \$3 billion in the one year and by another \$3 billion the next. Cumulatively, I do not know whether it is \$5 billion, \$6 billion or \$7 billion—perhaps he will give us the exact figure—but it is a massive amount. Where is the money going?

The expenses of operating government are rising at double the rate of inflation; spending is double the rate of inflation. Surely to God the Treasurer will confirm that economic activity in the province has exceeded his wildest expectations during the past two years. If we cannot balance our budget and reduce the global deficit by running a surplus in these good years, it must be apparent to all that we will never be able to do it. If we increase the global deficit during the good years, of course exponentially it grows in the lean years and the deficit could run to \$5 billion, \$6 billion, \$7 billion or \$10 billion in

Ontario in a matter of a few years if this is allowed to continue.

Then you reach a point where the amount of money required from the taxpayers to pay interest exceeds the ability to raise that money. That is when, I submit, the province and the country collapse, as is happening with some Third World countries that are barely being kept afloat by the generosity of their world partners. I hate to see Ontario moving in that direction, but it appears to me during these good years as though we are.

The second part of the recovery I would like to talk about is the unevenness of it vis-à-vis northern Ontario. Northern Ontario is suffering. I suppose it is an anomaly for Ontario, but it is suffering in a very real way in its resource-based industries. The government will say there is not much it can do about it. It is difficult. We have had conference after conference, paper after paper and theory after theory. How do we generate economic activity in a town that exists only because of the mine that is there or the trees that grow beside it? Take away the viability of that mine or when its ore is all mined, and there is nothing left. Take away the viability of harvesting those trees and what do we do to help keep the town alive?

Those are difficult questions to address and not ones I wish to tackle on the last day of the Legislature. Perhaps on the first day of the return—

16:20

**Hon. Mr. Nixon:** Maybe on the first day of our return, the member will have some answers.

**Mr. Harris:** I submit to the Treasurer that we have given a number of answers that would help. However, what bothers me is the softwood lumber issue. Given that it is difficult to replace those jobs with other jobs by diversification, surely we should be fighting hard to maintain every job and every economic advantage we have in those industries that are currently there.

The government fumbled the ball on the softwood lumber industry. My colleague the member for Port Arthur (Mr. Foulds) has indicated the government fumbled the ball on this, and the government did. They were asleep, in spite of the fact it was raised by myself and colleagues in my party a number of times that they must deal with this and must get ready for it. They should have been in Washington finding out what was going on and starting to counter the activity that was going on down there. The writing was on the wall; the signs were all there.



I submit that the government fumbled that. We have been through that in question period after question period and debate after debate.

Something that has not come out a lot is that the government decided to go with this Canada option. I am not embarrassed to say what I think of the Canada option. It is primarily the British Columbia option, carried by the Minister for International Trade in the federal government, who is from British Columbia.

I submit it is that way for a number of reasons. One is that British Columbia is responsible for 60 per cent to 70 per cent of the exports into US markets. It suggested it will increase its stumpage fee in reaction to the 15 per cent, 20 per cent, 30 per cent or 35 per cent tariff or wherever it ends up. It should. Its fees are anywhere from 20 per cent to 40 per cent lower than Ontario's, so it should be increasing its stumpage fees substantially just to get even with Ontario.

I do not believe Ontario put that position forward to Miss Carney or to the federal government when it went along with the national consensus. There is considerable evidence that position was not put forward properly to the federal government. I understand the federal government. I do not agree with it from Ontario's perspective, but where else could the federal government be when Ontario was asleep at the switch and not putting forward Ontario's position?

The federal government accepted the position it heard. It heard the BC position and it heard the Quebec position. Nobody knows what the Premier (Mr. Peterson) or the Minister of Industry, Trade and Technology (Mr. O'Neil) or the rest of the clowns in Ontario are doing.

**The Acting Speaker (Mr. Morin):** Order please. You did not mean that.

**Mr. Harris:** I am sorry. Did I call anybody a clown?

**The Acting Speaker:** The member called them clowns. Would he mind withdrawing that?

**Mr. Harris:** I will withdraw, Mr. Speaker. I did not mean to. However, nobody knew what the Premier was doing and nobody knew what the Minister of Industry, Trade and Technology was doing. I did not think I called them clowns, but if I even inferred it, I withdraw it.

**Hon. Mr. Nixon:** The member said "other clowns."

**Mr. Harris:** That is right.

However, they were asleep. That position was never put forward properly with the federal government. Then the Premier went out to

Vancouver and completely lost Ontario's day when he went to British Columbia. He said, "We cannot go along," and could not convince anybody. He completely lost the day.

**Hon. Mr. Nixon:** Where was the member? He was away on vacation. The Premier was the only person speaking for the commonsense approach. He convinced everybody in the industry in this province. The member is out to lunch.

**Mr. Harris:** I was not going to spend a lot of time on it, but I am going to go back and tell the Treasurer how the Premier arrived at the position. Ontario's first position was that we would go along with the national consensus. We would go with the 10 per cent. Then the Ontario government changed its position. Why did it change? It changed because the industry association in Ontario told the Minister of Industry, Trade and Technology and the Minister of Natural Resources (Mr. Kerrio), and ergo the government and the Premier, that if they did not change their position the industry would no longer support them and the industry would fight it out alone.

It was at that point after pressure from my colleague the member for Cochrane South (Mr. Pope)—from both opposition parties at that point—that the Ontario industry said to the government: "You are wrong. If you go to Vancouver or Victoria and do not change your position, we will go it alone." It then changed its position, but it was too late and it was not able to convince the federal government because it had agreed once before.

The Premier went out and finally fought the fight that he should have been fighting for Ontario, but because of a lack of background, because of a lack of depth, because he did not understand the issues soon enough, because he went out changing his mind, because he was asleep at the switch and because he was not able to explain the issue very well, the Premier was by himself.

The Premier of Ontario lost the day. He was not able to convince anybody. I understand why he could not convince them. He flip-flopped on the position. He could not and initially did not make Ontario's case substantially different from those of British Columbia and Quebec.

How at the 11th hour can one go out and say: "I was wrong before. I am sorry. I guess I misled you, Prime Minister, and all the ministers and my colleagues across Ontario. Now the opposition and the Ontario forest industry have told me I was wrong, so I have changed my mind. Will you agree with me when I change my mind?" That is

the true story of what happened, as I understand it. I am happy to put that on the record.

I want to mention a couple of other things. How are Ontario manufacturers treated in Ontario by this government? Let me give a little example. This was raised a couple of days ago.

A number of Ontario manufacturers were invited to promote, display, sell and explain their products at Expo 86 at the Ontario pavilion. Thousands of goods were donated by companies such as Beaver Canoe and the bicycle manufacturers. What happened was that their products were sent to the Ontario pavilion. They were used as decorations where nobody could see them. They were not put on display for promotional purposes. There was none of what they understood would happen to their products. To add insult to injury, their products were sent back to them in such deplorable condition that they were virtually written off.

What did the government do? It let down on its commitment to the manufacturers. What did it do when this was brought to its attention? It said, "Too bad." It even refused and still refuses—increased pressure may cause it to change its mind one day, and that is why I am mentioning it again today—to reimburse these small companies that can ill afford to see \$1,800 canoes come back bashed up so that they are worth nothing, and \$3,000 and \$4,000 specialty bicycles come back virtually worthless. How are they treated? They are given the royal back of the hand that this government has become so famous for.

I want to mention another interesting thing I saw in item 5.9 of the Provincial Auditor's report. I mention it because it deals with the Ontario Waste Management Corp. The auditor's report points out that salaries rose by some 33 per cent. The reason it gave was to bring them into line. Bring them into line with what? Bring this into line with this new free-spending government? We look at ministry staff salaries going up by 50 per cent. This government spends like a Liberal government, certainly like the traditional Liberal government I learned to know under Pierre Trudeau and John Turner in Ottawa.

### 16:30

When the money comes in, the government spends it. Everybody gets increases. The Minister of Citizenship and Culture (Ms. Munro) is here; there are two ministers of culture. When you look at the number of assistants at 50 per cent higher salaries than assistants ever got before and at the number of political assistants those two ministers have, it is astounding, particularly when you look at the peanut budget they are

dealing with in relation to the numbers of political staff.

That is the way Liberal governments operate. They load on the political staff so they can get out the press releases and sing the good news and the praises. They say, "It does not matter what you pay them; increase the salaries." That is what leads to runaway spending out of control. The Treasurer can get away with that in the good years, but he will not be able to get away with it very long. Trudeau got away with it. The federal Liberals got away with it during some good years, until people finally woke up. It caught up with them. That is what I believe is happening in Ontario today.

I want to refer briefly to the blue book, because today when I asked the Treasurer about unanswered questions about spending, he said to me: "Why do you ask these questions? They are all in the blue book." I checked. It says in the blue book for 1985-86, "Travel for the Premier of Ontario, \$5,428." Who is he kidding? Is he telling me the Premier's total travel expenses for the fiscal year 1985-86 are \$5,428? Is he going to try to sell that through this Legislature? I think not.

That is why we have to ask questions in Orders and Notices. It is all hidden away somewhere else. Travel for G. Ashworth, nothing; V. A. Borg, nothing; H. E. Ezrin, nothing; G. P. Hutchison, nothing; T. Zizys, nothing. I do not even know all these guys. I had better get to know them, I guess. These guys never spent five cents travelling last year. Obviously it is incomplete.

There are probably millions and millions of dollars tucked away somewhere else; so the Treasurer should not tell me to look in the blue book. That is why we have to ask questions in Orders and Notices: to get information that is covered up and spirited away. Perhaps it does appear in an obscure place somewhere that nobody can find, but the Treasurer should not tell me it is in the blue book; obviously it is not.

I have hundreds of other items I want to speak on. I am sure I will have other opportunities as we go into the new year; so I will sit down now.

I will just mention the Bridges program, which is the Canadian Mental Health Association program. It is very important to the riding of Nipissing. It is a matter of \$100,000 or so which the Minister of Health (Mr. Elston) has held up for a long time. I know it is going to come. The Minister of Health has indicated it is coming, but the program's funding runs out at the end of December. They now have about five staff members sitting there waiting to see whether the



minister will announce it between now and January 1, whether they are out of jobs and whether the program will continue to exist. This is not the way governments should run. Good people are lost when they do not know whether programs are carrying on.

It has been a disillusioning period for me, particularly with the fiscal irresponsibility that has been demonstrated by this government in its short time in office, 18 or 19 months. For those of us who are concerned about good fiscal policy, every one of those months has been a month too long.

**Hon. Mr. Nixon:** This debate seems to have attracted the enthusiastic attention and interest of most of the members, so I will not detain them long.

Volume 3 of the public accounts has some arcane rules, I suppose. I am informed that travel expenses under \$6,000 are not reported except for ministers. The member has a point. If he wants to know specifically what those are, the answers will be forthcoming. Page 175, for example, shows the expenses of the Ministry of Natural Resources. Two ministers are listed, the former minister and the present Minister of Natural Resources (Mr. Kerrio). The travelling expenses are listed on page 176; the two ministers' shares in the expenses for the full fiscal year are reported there.

If one understands the rules of volume 3 and what is omitted, I suppose for the sake of brevity and convenience, the essential information is there. I say again that we will provide the details the member has requested.

I do not want to prolong this, but I want to say that the member's comments about the free trade debate are interesting and the sort of thing that is very appropriate for this sort of debate. In this connection, I also call his attention to the Radwanski report, which was tabled a couple of days ago and which has received so much interesting comment from people who have had the time to peruse it. His views on free trade are—

**Mr. Harris:** I did not talk about free trade. I did not mention it once.

**Hon. Mr. Nixon:** The member talked about trade with the United States and our difficulties with it, but if he did not mention it, I will not either.

We get to softwood lumber, which he did discuss extensively. Most objective observers, such as myself, and I think most people, in observing how the Premier of Ontario responded to the situation that was precipitated for the country by the policies of the government of

Canada, feel he maintained a strong and useful independent position. The Premiers went to Vancouver and were told by the federal minister that she had negotiated an agreement whereby, at 15 per cent, we would be able to extricate ourselves from the decisions taken in Washington that had been shown to be so disadvantageous to us.

There was some indication that this agreement had been entered into, and all the Premiers except our Premier decided it was a good thing. I have quite a lot of sympathy for Premier Vander Zalm, who has such a huge softwood industry. We have a large one as well, but the proportion of his economy that is bound up with the softwood industry is far greater than ours, although I say again I do not for a moment discount the importance of our own. I cannot blame him for saying, "Yes, let us go for the 15 per cent." We did not, and the Premier of Ontario maintained a consistent position that we should follow the judicial solution, go to the hearing board in Washington and plead our case, because he felt we would have an opportunity to win.

**Mr. Harris:** Which the government missed. There was no representative from Ontario there.

**Hon. Mr. Nixon:** That is fine, but we are represented by the government of Canada in international matters. I personally feel his position was good. It was responded to positively, not only by the woodworkers themselves but also by the owners of the mills and by the people who are knowledgeable about this matter.

**16:40**

On a political basis, if I may be so bold, I think the Premier cleaned the board with those people. He had a coherent position, he stuck with it and he stood alone. That is difficult to do. Frankly, when I saw what he had done, I was very impressed, amazed and pleased. I felt that if I had been in his position, I probably would have gone along with the rest of them and said, "If you can get a 15 per cent deal, we had better go for it." He had a much stronger position than that, and I believe he is correct. It is the only way any kind of approach is going to be made with our trade negotiating partners in the United States.

I do not apologize for the Premier's position a bit. It is the only one that made any sense. It is not my position to be pejorative about the stance taken by the government of Canada or some of its ministers, but I thought they were less than effective, if that does not put it too strongly.

The honourable member mentioned a number of things. He wondered how the manufacturers in this province are treated. His example was what



happened at Expo 86. I, for one, had not heard before that Beaver Canoe had received goods back in broken condition. I will be glad to know about that. If they are the member's constituents, I know he will bring it to our attention. I cannot promise what I will do, but I will be glad to do what I can.

I attended the Ontario pavilion out there. It was beautiful. I am not prepared to say that if I had been in government when all the decisions about our participation were made, I would have approved them. I happened to be on the Management Board of Cabinet when the original budget went over and over its original goals. The total expenditure was something in excess of \$31 million. We had what many people considered one of the best pavilions there. I will not comment further on that.

To tell the truth, I was very impressed with the display of these objects, almost objets d'art, as we refer to them in my home town. There were light aircraft, different means of transportation, including those beautiful canoes the honourable member is referring to. I am sure the member was there; if not, too bad.

**Mr. Harris:** I was there at government expense.

**Hon. Mr. Nixon:** Now I remember.

Anyway, they were all hanging up in the space in that building. I thought the display was marvellous. Nobody was there writing up orders; maybe someone should have been. If that stuff was returned to the original owner in broken condition, I would like to know about it. We want to see that people are treated fairly. We do not want people running around to their private members saying the government is not treating them fairly, because we intend to and we will. All we want to know are the facts, and we will make the judgements on that with the assistance of the honourable members. I am not going to pursue this, because I do not want to.

I appreciate the offers of support from the two opposition parties, now so effectively represented in the House.

**Mr. Speaker,** I would ask that you put the motion so I can attend upon His Honour, who has indicated his gracious acquiescence to our request that he give royal assent in this chamber.

Motion agreed to.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

## ROYAL ASSENT

**Hon. Mr. Alexander:** Pray be seated.

**Mr. Speaker:** May it please your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request your Honour's assent.

**Assistant Clerk:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms;

Bill 14, An Act to amend the Oleomargarine Act;

Bill 26, An Act to amend the Retail Sales Tax Act;

Bill 108, An Act to amend the Insurance Act;

Bill 112, An Act respecting the Enforcement of Statutes related to the Environment;

Bill 131, An Act to amend the Assessment Act;

Bill 158, An Act to continue The Canadian Insurance Exchange;

Bill 167, An Act to amend the Assessment Act;

Bill 168, An Act to amend the Legislative Assembly Act;

Bill 169, An Act to amend the Executive Council Act;

Bill Pr2, An Act respecting the City of North York;

Bill Pr25, An Act respecting the City of Toronto;

Bill Pr28, An Act respecting the City of London;

Bill Pr40, An Act respecting the City of North Bay; and

Bill Pr55, An Act to revive 546672 Ontario Limited.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

**Hon. Mr. Nixon:** I wish everyone heartiest best wishes for a happy holiday season.

The House adjourned at 4:50 p.m.

## APPENDIX A

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## NURSING HOMES

**82. Mr. D. S. Cooke:** Will the Minister of Health table all outstanding noncompliances in all nursing homes either operated, owned or managed by Carewell Corp.? Further, will the minister table all inspection information on these nursing homes on record since June 1984? [Tabled November 1, 1985]

See sessional paper 308.

## GOVERNMENT RECEPTIONS

**250. Mr. Ashe:** Would the Premier list all of the receptions given by the Premier's Office and all ministries of the government since July 1, 1985? Will the Premier list the nature of the function, the place of the function, the type of group invited and the number of people in attendance and provide details of the costs of each function? [Tabled February 6, 1986]

See sessional paper 309.

## SALE OF BEER AND WINE

**298. Mr. Runciman:** Would the Minister of Industry, Trade and Technology table any studies, legal opinions or legal precedents regarding international or national trade implications conducted by or given to the government with specific regard to the possible sale of Ontario-produced beer and wine in local convenience stores? [Tabled May 26, 1986]

**Hon. Mr. O'Neil:** In the light of the defeat by this House of the proposed amendment to the Liquor Licence Act on October 29, which would have made it possible to retail beer and wine through convenience stores, I submit that this question is fully hypothetical.

Neither I nor my colleague the Attorney General feel that it is appropriate to speculate on the implications of passage of the proposed amendment either directly or indirectly.

Had the House seen fit to favourably consider the amendment, I would of course have been happy to participate in a full House discussion and debate.

## GOVERNMENT CONTRACTS

**302. Mr. Philip:** Would the Chairman of Management Board of Cabinet table all terms of reference and conditions of any contracts signed within the past year between Canada Consulting

Group Inc. and any Ontario government ministry, agency, board, commission or committee of the Legislature? Would the minister table the total amount of money contracted with this company as well as the amounts of each individual contract? [Tabled June 3, 1986]

See sessional paper 323.

## EXPO 86 CONDOMINIUMS

**337. Mr. Gregory:** Would the Minister of Transportation and Communications indicate how many condominium units have been allocated to the Ontario government at Expo 86, who has stayed in these units as of June 6, 1986, the fee charged for these units per diem and who has reserved these units after June 6, 1986? [Tabled July 7, 1986]

**Hon. Mr. Fulton:** There are five condominium units allotted to the Ontario government in support of the Ontario pavilion at Expo 86. Of those five condominiums, four are utilized by the Ministry of Transportation and Communications and one is utilized by the Ministry of Industry, Trade and Technology.

Ministry of Transportation and Communications: Three of the four condominiums are occupied on a full-time basis by the commissioner; the deputy commissioner, operations; and the deputy commissioner, programs.

The fourth unit is made available for use by senior government officials and the members of the Expo 86 board of directors. In order to maximize usage of this condominium and eliminate expensive hotel and meal costs, it is occupied by MTC staff temporarily working at the Ontario pavilion when not being used by officials.

The per diem rate of \$85 is based on rental cost, cleanup services, utilities and a prorated cost for furniture and furnishings.

MTC, senior government officials and members of the board:

Prior to June 6, 1986: Hugh Devitt, director of operations for the Ontario pavilion; Harold Gilbert, chairman of the Expo 86 board; A. C. Lennox, MTC financial controller; George Rout, MTC purchasing officer.

After June 6, 1986: Ms. G. Cannon, executive committee board member; Phil Adams, executive committee board member; H. Ezrin, princi-

pal secretary to the Premier; J. Keenan, executive committee board member; D. Jure, executive committee board member; J. Turner, general counsel, Ontario Securities Commission; P. McNamara, QC, executive committee board member; M. Tankus, Ontario Hydro; Mrs. E. Baird, executive committee board member; R. McLeod, Deputy Minister of the Environment; D. Caplice, Assistant Deputy Minister of the Environment; B. Ostry, executive committee board member; D. Hobbs, Deputy Minister of MTC; George Rout, MTC purchasing officer.

Ministry of Industry, Trade and Technology: The fee charged for this unit, including furniture, furnishings and services, is \$65.39 per diem.

MITT staff, four-week periods prior to June 6, 1986: John Eastwood.

#### MINISTER'S TRIPS

**376. Mr. Brandt:** Would the acting Minister of Northern Development and Mines provide an enumeration of all trips taken within Ontario by the former minister, to what locations with what persons, for what purpose, and at what cost? [Tabled July 8, 1986]

See sessional paper 324.

#### ALLEGED CONFLICT OF INTEREST

**378. Mr. Gillies:** Would the Premier inform the House who arranged for and paid for a lawyer to attend and brief Liberal members serving on the public accounts committee concerning the Elinor Caplan alleged conflict of interest? [Tabled July 8, 1986]

**Hon. Mr. Peterson:** This is a Liberal caucus matter and expenses would be covered under the Legislative Assembly and, as such, are not under the purview of the Premier.

**394. Mr. Gillies:** Would the Premier provide documentation indicating who paid Stephen Goudge of the firm Gowling and Henderson, the lawyer used by the Liberal caucus in the Elinor Caplan inquiry? [Tabled October 15, 1986]

**Hon. Mr. Peterson:** This is a Liberal caucus matter and expenses would be covered under the Legislative Assembly and, as such, are not under the purview of the Premier.

#### RENTAL HOUSING LOAN

**388. Mr. Gillies:** Would each minister provide a list of all meetings members of personal or ministry staff have held with Ivan Fleischmann since June 26, 1985? Indicate who attended, what was discussed and the results of the meeting. [Tabled October 15, 1986]

**Hon. Mr. Nixon:** Many members of the public meet with various ministers and ministry staff every day. It is just not practicable from a cost standpoint to collect this information from the many Ontario public servants who could potentially have been contacted by Mr. Fleischmann.

#### CONFLICT OF INTEREST

**408. Mr. Sterling:** Would the Premier provide documentation indicating what business has been conducted between the Ontario government and private companies owned or partly owned by ministers of the crown since June 26, 1985? [Tabled October 21, 1986]

**Hon. Mr. Peterson:** From June to September 1985, the conflict-of-interest guidelines applicable to ministers provided, "No private company in which a minister or his family have an interest may become contractually involved with the government of Ontario." During that period of time, business between the Ontario government and private companies owned or partly owned by ministers was prohibited.

#### SUNDAY TRADING

**412. Mr. Philip:** Would the Solicitor General inform the House of the number of charges laid against individual grocery stores for opening on Sunday during the month of October 1986, and are the number of charges being laid increasing or decreasing? Is it the intention of the minister that charges will continue to be laid for these violations? [Tabled October 23, 1986]

**Hon. Mr. Scott:** A total of 499 charges were laid by municipal police forces during the month of October 1986 against grocery stores for alleged infractions under the Retail Business Holidays Act. This represents a substantial increase over the two previous months. Municipal forces report 308 charges were laid in September 1986 and 167 charges were laid in August 1986.

The policy of my ministry is to encourage police forces to continue to lay charges where facts and circumstances warrant.

#### MINISTERS' STAFFS

**415 to 446. Mr. McCague:** Would the Premier and all ministers provide a list of all individuals who are employed in their ministries as of October 24, 1986? Please list the name, current position and salary of each individual. [Tabled October 27, 1986]

See sessional paper 325.



## SMOKING AND HEALTH PUBLICATIONS

**454. Mr. Sterling:** Would the Minister of Health list all ministry publications, and those of any other provincial ministry, which educate the public as to the ill effects of smoking tobacco? Would the minister indicate the dates of publishing this information, any publications in a language other than English, the total number published, the number distributed, the method of distribution and the respective costs of publication and distribution? [Tabled November 4, 1986]

**Hon. Mr. Elston:** The Ministry of Health produces and distributes a limited selection of its own smoking and health publications. These are described below.

More than 60 additional publications on smoking and health are produced and distributed by other health organizations in Ontario. These organizations—including the Ontario division, Canadian Cancer Society, the Ontario Heart and Stroke Foundation and the Ontario Lung Association—belong to the Ontario Interagency Council on Smoking and Health, which the Ministry of Health supports. The council co-ordinates the distribution of smoking and health materials to ensure adequate coverage and to avoid duplication.

Because so many publications on smoking and health are issued by the member agencies of council, the ministry has limited the number of its own publications on the subject. Instead it assigns the largest part of its smoking and health education budget to radio, TV and transit antismoking commercials.

The following publications on smoking and health produced and distributed by the Ministry of Health are as follows:

1. Project Smokeless, a kit of smoking-related materials for use in the work place. The kit was produced and printed in 1982 after successful pilot testing in 1980-81.

Initial printing (English only): 5,300 posters, 575 booklets, 3,700 small posters, 10,800 stickers, 20,950 scratch pads, 5,493 pencil holders, 600 presentation folders, 5,500 table-top stands. Cost: \$20,140.

Second printing, in 1983 (English only): 50,300 letterheads, 21,000 stickers, 10,000 large posters, 10,650 small posters, 20,400 scratch pads, 10,200 table-top stands, 3,050 handbooks, 3,050 presentation folders, 21,700 pencil holders (assembly of 3,000 kits). Cost: \$21,500.

Distribution: Original distribution to public health units. (Industry, banks, business, etc., on

as per request basis.) Distribution cost: \$58.05. Original sample mailings to 43 health units (1986 mailing charge). Records for subsequent mailing charges are not available owing to shipments being made on as per request basis throughout the past three years.

2. Should You Smoke During Pregnancy? Purchased from the Canadian Council on Smoking and Health on ongoing basis as follows: 1982 quantity: 50,000 English, 15,000 French. Cost: \$15,000. 1983 quantity: 62,000 English. Cost: \$15,620. 1984 quantity: 60,000 English. Cost: \$15,000. 1985 quantity: 60,000 English. Cost: \$9,000.

Distribution: Original distribution to public health units. (To hospitals, health clinics, drug stores, community centres, prenatal clinics etc., on as per request basis.) Distribution cost: \$16.77. Original sample mailing to 43 health units (1986 mailing charge). Records for subsequent mailing charges are not available owing to shipments being made on as per request basis throughout the past four years.

3. A Guide to Health Promotion Programs and Materials in Ontario. Compiled by the office of health promotion in 1986. Quantity: 1,200 English only. Cost: \$13,098.

Distribution: General distribution to ministry officials, public health units, office of health promotion health centres, hospitals and health organizations and selected libraries in Ontario. Distribution cost: \$812 (for initial distribution). Subsequent distribution was on as per request basis.

Note: Records of printing and distribution costs of publications produced by other agencies and other ministries are not available to Ministry of Health.

Other Ontario government ministries: The following ministries were contacted to determine what publications they may have on the subject of smoking:

Ministry of Labour: Involuntary Exposure to Tobacco Smoke, a scientific document distributed on request. Two thousand copies distributed to date. Cost: \$5,250.

Ministry of Tourism and Recreation: No specific publication on the subject but alluded to in general fitness and lifestyle publications.

Ministry of Solicitor General: Just no-smoking signs, as issued by the fire marshal's office.

Ministry of Consumer and Commercial Relations: No publications on smoking.

Ministry of Attorney General: No publications on smoking.

Ministry of Education: Health education curriculum guidelines with reference to smoking.

Ministry of the Environment: No publications on smoking.

### HELP CENTRES

**494. Mr. Jackson:** Would the Minister of Skills Development provide details of the operational review for unemployment older workers' help centres, specifically when it began, when its recommendations will be completed, when the recommendations will be available to the centres, whether it is being done by ministry staff or outside consultants and whether it will include interviews with help centre clients and/or counsellors? [Tabled November 17, 1986]

**Hon. Mr. Sorbara:** The operational review of the help centres program began on October 14, 1986. This review is being undertaken by ministry staff with assistance from an outside consultant. It will include interviews with selected help centre managers. The review will be completed on or about January 31, 1987. Centres will be apprised of the relevant information from the review on its completion.

### BIODEGRADABLE PLASTIC

**503. Mr. Treleaven:** Would the Minister of Agriculture and Food provide information on the action the ministry has taken with respect to a project involving the development of biodegradable garbage bags made in part from cornstarch, including any funding or support that has been provided or approved by the ministry? [Tabled November 20, 1986]

**Hon. Mr. Riddell:** This ministry has not provided any support to date on the noted project. Staff met on December 12, 1986, and are continuing to discuss, with company representatives, the new agriculture and food research fund and the possibilities of supporting further development of this new technology.

### CORPORATE CARD PROGRAM

**513. Mr. Runciman:** Would the Treasurer explain the rationale behind the directive issued to the staff in the Ministry of Consumer and Commercial Relations London regional office who have been requested to retain American Express credit cards for use when travelling on government business? Also, would the minister answer the following questions related to this issue: (1) What is the length of the contract with American Express? (2) Will this initiative result in a financial loss or gain for the government, and if so, how much? (3) Which companies submit-

ted bids to provide this service? (4) How much were the bids? (5) Why was American Express chosen for this service? (6) How does the government propose to collect from employees if credit cards are used inappropriately? (7) Will employees be required to be bonded? [Tabled November 25, 1986]

**Hon. Mr. Nixon:** The corporate card program is one of a number of key components of the government's initiative in implementing means to achieve cost savings.

The card is a general-purpose corporate card to be used to pay for business-related transportation, accommodation, meals and other government-related travel expenses for which the employees are normally reimbursed.

The savings will arise from the reduction of travel advances, relating reimbursement of the employee to the card billing cycle, and using management information generated by the card company to negotiate preferred rates in the travel-related industry.

The card will be used by employees in all government ministries as well as in some agencies, boards and commissions.

Answers to supplementary questions:

1. The term of the agreement is open-ended. We have the option to terminate the agreement upon 30 days' notice.

2. The annual financial saving to the province is projected to be \$3 million.

3. Criteria of card coverage throughout all parts of Ontario, system support capability and cost were established. Prescreening of potential suppliers led to detailed requests for proposals being issued to six companies, all of whom submitted bids. They were: Canadian Imperial Bank of Commerce, Visa; Bank of Nova Scotia, Visa; Bank of Montreal, Mastercard; Royal Bank of Canada, Diners Club; Toronto-Dominion Bank, Visa; and American Express Canada Inc.

4. The annual cost components of the bids ranged from a low of \$55,000 to a high of \$295,000.

5. American Express Canada Inc. was selected on the basis of cost, widespread acceptance of the card by restaurants, airline, travel and car rental agencies and lodging establishments throughout the province, plus their well-established and flexible management information capabilities.

6. Employees are to use the corporate card for business-related purposes. The government reimburses the employees on a claimed basis for approved expenses incurred on government business. The employee in turn is solely respon-



sible to pay American Express monthly for the expenses charged to the card.

7. No. Employees will not be required to be bonded. No credit checks will be performed on employees who are given a corporate card.

#### PENSION FUNDS

**514. Mr. McClellan:** Would the Minister of Financial Institutions provide the following information for the fiscal year beginning April 1976 to date: (1) How many applications did the Pension Commission of Ontario receive from pension plan sponsors to recover surpluses from plans registered under the Pension Benefits Act? (2) How many of these were currently active plans? (3) What amount did plan sponsors propose recovering from pension plans registered under the Pension Benefits Act? (4) How many applications were approved? (5) What was the amount of surplus recovery approved? (6) What was the name of the company, the amount proposed to be recovered and the approved amount of recovery for each sponsor who was successful? [Tabled November 26, 1986]

See sessional paper 326.

#### RECYCLING

**515. Mr. Runciman:** Would the Minister of the Environment please advise the House of the number of announcements that were distributed declaring November 17 to 23, 1986, as the second annual Recycling Week? Since the announcement consisted of two pages, utilizing very little of the second page, does the minister feel this was appropriate considering the theme of the announcement, and did he consider using two sides of one sheet of paper for the announcement? Would the minister also advise if he is intending to introduce legislation dealing with recycling of automobiles and glass? [Tabled December 1, 1986]

**Hon. Mr. Bradley:** A total of 7,451 information packages were distributed by the Recycling Council of Ontario to declare the second annual Recycling Week.

My letter (appendix A) declaring Recycling Week was part of this information package. The ministry provided an original copy of my letter to the Recycling Council of Ontario for printing and distribution with the information package. The RCO arranged for this to be handled by an external contractor. The printing of the letter on two pages was an oversight which my ministry regrets.

In addition to the RCO announcement, the ministry issued a news release on October

24, 1986 (appendix B), proclaiming Recycling Week.

The standard 65 news releases (two pages of text) that went to the Legislature press gallery were on two sheets of paper. This has been the practice for years at the direction of the Premier's office. Gallery reporters mark up releases and speeches and appreciate extra writing space.

In addition to the 65 news releases, the communications branch distributed 992 news releases that were printed on one sheet of paper, both sides. This too has been and remains standard practice.

With reference to glass recycling, the ministry has no intention of introducing new legislation on glass recycling at present. A major component of the existing beverage container regulations requires that nonrefillable glass containers be recycled by November 1, 1988, at a 50 per cent level. Glass recycling is practised by most multimaterial recycling projects in Ontario now.

With regard to automobiles, the ministry regulated derelict motor vehicles prior to 1980. Throughout the years 1974 to 1979 the ministry conducted a DMV cleanup program with municipalities across the province. Municipalities identified automobile hulks, had them collected and sold them to industry as scrap. Administrative costs were borne by the ministry. Profits from the sale remained with the municipality for waste management purposes.

In 1980, the ministry deregulated DMVs as it was considered a municipal responsibility. Municipalities were requested to pass bylaws for this purpose and a model bylaw was developed by the ministry to assist them.

#### Appendix A

Dear Sir/Madam:

Second Annual Recycling Week in Ontario

I am pleased to declare November 17 to 23, 1986, as the second annual Recycling Week in Ontario. Last year, over 64 municipalities participated in declaring this week in their communities.

In 1985, over 50,000 tonnes of "waste" were recycled, an increase of 17 per cent over 1984. 1986 looks even better as more communities participate in curbside collection of source-separated materials. Burlington, Oakville, Pelham, Grimsby and Kitchener now recycle 10 per cent of their domestic waste. Halton and Peel regions are diverting commercially generated corrugated and fine papers from their landfill sites. There are many other examples.



Your municipality is to be commended for its efforts in reducing landfilled refuse and conserving resources by supporting recycling. This second annual Recycling Week will serve to congratulate your constituents, recognize the outstanding support and effort of key individuals in your community and raise the level of public awareness to increase recycling in your community.

The theme this year is "We Recycle" with a focus on education. I enclose an information sheet on recycling, which will be of use to your local teachers, club leaders, environment committee and church or community groups. It contains hints on recycling and suggests events take place during Recycling Week.

In addition, you may wish to proclaim Recycling Week in your community. Attached to this letter is a sample proclamation and citation of merit. You may wish to award this certificate to those individuals deserving special recognition for their recycling efforts.

Recycling Week is a co-operative effort of my ministry, the Ministry of Education, the Recycling Council of Ontario and the Recycling Advisory Committee. Much useful information and printed material is available to assist you in planning. Please contact the Recycling Council of Ontario at 1-800-387-2617. In Toronto call 593-1756. Your support is appreciated.

#### Appendix B

### ENVIRONMENT MINISTER PROCLAIMS RECYCLING WEEK

Environment Minister Jim Bradley proclaimed Ontario's second annual Recycling Week today. It begins November 17 and ends November 23.

"We are a consumer society and tend to throw things away without thinking about where they end up or how much it will cost to replace or dispose of them. We need to conserve our natural resources and reduce waste. Recycling Week will emphasize those values," Mr. Bradley said.

Recycling Week also gives communities, schools, municipal offices, recycling operators and groups such as scouts and nature clubs a chance to plan projects and focus events around a recycling theme.

Seventy-two Ontario communities already have recycling programs which are financed by local government, industry and the Environment ministry. Sixty per cent of Ontarians live in communities where curbside collection of one or more recyclable materials occurs.

"In addition to saving energy, creating jobs and conserving natural resources, recycling

extends the life of landfill sites and in this way saves many of acres of land for other uses," Mr. Bradley noted.

Information about recycling in Ontario can be obtained by contacting Ontario Recycling Information Service, PO Box 310, Station P, Toronto, Ontario, M5S 2S8, or by calling 593-1756 in Toronto or 1-800-387-2617 for out-of-town callers.

Other sources of information include waste management branch, Ontario Ministry of the Environment, 135 St. Clair Avenue West, Toronto, Ontario, M5V 1P9 (416-965-6191) and the Recycling Advisory Committee, 119 King Street West, ninth floor, Hamilton, Ontario (416-521-7578).

For municipalities starting a program the Environment ministry's Guide to Residential Source Separation, available from waste management branch, is an excellent starting point.

#### CLEANUP FUND

**516. Ms. Fish:** Would the Minister of Environment provide details as to when the \$10-million cleanup fund was established, how much has been spent to date, for what purpose the money has been spent and the results of the expenditures? [Tabled December 1, 1986]

**Hon. Mr. Bradley:** The Ministry of the Environment made a submission to policy and priorities board on May 22, 1985, proposing that a cleanup fund be established.

A security fund of \$10 million was released from Management Board on July 23, 1985, and provided for the financing of (1) detailed hydrogeological and engineering studies of areas where contamination is known or expected, (2) alternative water supplies as required, (3) immediate cleanup where environmental damage exists or health hazards are identified and (4) action to remove or reduce potential long-term environment hazards.

In keeping with the above-noted terms of reference, 16 projects were approved in fiscal year 1985-86 for a total expenditure of \$3,299,000. Of these, 13 projects are ongoing and form part of the 34 projects currently active in fiscal year 1986-87. Expenditures for this fiscal year total \$3,681,000 as at November 30, 1986. The three projects completed in 1985-86 were:

Chalk River (50.3 K): to cover the costs of consulting engineer services in the urgent investigation of sewer line problems in Chalk River.

Wallaceburg and Walpole Island (13.3 K): to cover the cost of powder-activated carbon

provided to protect both municipal supplies from contamination during the cleanup of perchloroethylene from the St. Clair River.

The 33 currently active projects are:

(1) Kenora PCB spill: cleanup and highway remedial work; (2) Pottersburg Creek cleanup: cleanup of PCB-contaminated sediment; (3) O. E. MacDougall: engineering services; (4) Simcoe county tornadoes: cleanup of tornado debris and disposal at Keele Valley; (5) Pauze waste disposal site: excavation and removal of contaminated material, well construction; (6) Alachlor monitoring program: investigation and restoration of alachlor-contaminated water supplies; (7) Sidney township/Quinte Sanitation: design and installation of alternative water supply system; (8) Lake Clear project: engineering services, PCB removal; (9) Chippawa Creek coal tar cleanup: engineering services, cleanup and on-site stabilization; (10) Ennismore township waste site: hydrogeological investigation of offsite contamination; (11) Cochrane-McChesney-Timmins waste disposal site: hydrogeological investigation of offsite contamination; (12) Bethel-Lampman Quarry waste disposal site: as per 10 and 11; (13) Alice and Fraser townships: waste disposal site, as per 10, 11 and 12; (14) Smithville PCB cleanup: cleanup of contaminated wastes; (15) Thane Developments, Keswick: topographical surveys of smelter site; (16) Hilan Wood Preservers: hydrogeological investigation and installation of water supply; (17) Uniroyal (Elmira): hydrogeological investigation of contaminant migration towards municipal wells; (18) Kam Kotia Mines: cleanup and monitoring mine tailings; (19) Robbie-Northport: replacement of three wells which were contaminated through agricultural activities; (20) Johnston Water Supply: alternative water supplies to owners of salt-contaminated wells; (21) Petrolia and Enniskillen site: engineering study of waste disposal activities; (22) coal tar cleanup, Ottawa: engineering services re Lees Avenue and Rideau River; (23) Scott Road township ditch study: engineering services to determine pollution sources; (24) Noel Ville well study: replacement of gasoline-contaminated wells; (25) Deloro program: stabilization of tailings containment and rehabilitation measures; (26) Manitoulin ground water: investigation and restoration of private water supply; (27) Ibbitson oil spill: cleanup of heating fuel spilled to Severn River; (28) Inverary water supply: installation of water treatment systems and a temporary water supply, three residences; (29) Killaloe well water: investigation and restoration of contaminated

water supply; (30) Bracebridge wells: investigation of salt contamination problem; (31) Fairbanks, Bath: installation of treatment system for private water supply contaminated by oil spill; (32) Barber well, St. Williams: restoration of contaminated water supply; (33) town of Whitby: removal of abandoned drums of waste material.

## FUTURES PROGRAM

**517. Mr. Jackson:** Would the Minister of Skills Development provide the results of the mid-year fiscal review of Futures, specifically what delivery agents have returned funds, how much each has returned and what centres are indicating a need for more money? If the information is not yet complete, would the minister provide the results received to December 1, 1986? [Tabled December 1, 1986]

**Hon. Mr. Sorbara:** The mid-year report from Futures delivery agents that have reported by December 1, 1986, indicates: (i) no delivery agents have returned funds; (ii) the Cornwall Youth Employment Counselling Centre, Le Centre de consultation pour l'embauche des jeunes de Hearst and the Burleigh Falls Youth Employment Training Centre have requested additional funds.

## DEVELOPMENT PROJECTS

**520. Mr. Stevenson:** Would the Minister of Municipal Affairs provide the list of residential, commercial and industrial development (subdivisions) approved from January 1, 1985, to present, indicating the name of developer, size of development, location of development and date of approval by the ministry? [Tabled December 4, 1986]

See sessional paper 327.

## SOFTBALL ONTARIO

**521. Mr. Rowe:** Would the Minister of Tourism and Recreation provide the status of his ministry's attempts to amalgamate Softball Ontario and Slow Pitch Ontario, the funds expended on these organizations since June 26, 1985, the purpose of these funds, the dates these funds were expended, all other details relating to these funds, including all correspondence between the ministry and these organizations, and an outline of all ministry plans, both current and future, for these organizations? [Tabled December 4, 1986]

**Hon. Mr. Eakins:** Negotiations which commenced in May 1986, involving representatives of Softball Ontario, Slow Pitch Ontario and the sports and fitness branch have since resulted in



the structuring of an affiliation agreement between Softball Ontario and Slow Pitch Ontario.

The major components of this include the participation of Slow Pitch as the fourth affiliate body under Softball Ontario with full benefits, rights and voting privileges equal to each of the three existing affiliate member organizations: the Ontario Amateur Softball Association, the Ontario Rural Softball Association and the Ontario Provincial Women's Softball Association.

Approval in principle has been given to this agreement by the respective organizations at their annual general meetings in October.

Final details regarding the specific terms and conditions of a draft agreement are currently being prepared by representatives of the aforementioned negotiating team. It is anticipated that a final agreement will be completed in time for full implementation in the 1987-88 fiscal year.

With regard to the issue of funding, the ministry currently provides financial assistance to Softball Ontario and its affiliates through the provision of both tax base and lottery funds. Allocations for the current 1986-87 are as follows: (a) base grant funding of \$93,000 for administrative, organizational, competitive and human resource development programs; (b) Wintario funds in the amount of \$87,000 to assist in hosting, accommodation and travel expenses for provincial and national championships.

Formal correspondence to this effect is provided by a minister's letter sent directly to the applicant, namely, Softball Ontario. A copy of this has been included with this response.

Owing to the absence of the said affiliation agreement no assistance has been provided to Slow Pitch during the current year.

It is this ministry's belief that the needs of both slow pitch and softball participants can best be served through a co-ordinated, "one voice for one sport" approach. Therefore, our future plans revolve around provision of consultative and financial assistance to these groups through our client Softball Ontario.

Copy of letter addressed to Keith Fleming, chairman, Softball Ontario, 709 Fernhill Boulevard, Oshawa, Ontario, L1J 5K2:

Dear Mr. Fleming:

Re: Wintario file number 86-71-0070: championship travel; provincial, national and hosting costs.

It gives me great pleasure to inform you that I have approved your application for financial assistance under the Wintario development program.

This grant of \$87,000 is designated to assist you with the expenses of the participants in the various championships to be held in the period April 1, 1986, to March 31, 1987. These funds will contribute to the continuing development of your sport in Ontario.

Details of your grant indicating the levels of financial support committed to the categories within the Wintario development program will be communicated to you by your sports consultant. The provincial Treasurer will send a cheque to your organization to cover the above amount.

Please accept my appreciation for your co-operation with my staff in providing the information needed to determine your grant allocation. I look forward with you to a year of growth, challenge and development of your organization in the Ontario sport system.

Yours truly, John Eakins, Minister, MPP, Victoria-Haliburton.

#### INTERIM ANSWERS

**451. Mr. Wildman:** Hon. Mr. Peterson—The information, including invoices and expenses, required to answer this question is not yet available. An answer should be available on or about March 31, 1987.

**455. Mr. McCague:** Hon. Mr. Peterson—The information, including invoices and expenses, required to answer this question is not yet available. An answer should be available on or about February 28, 1987.

**495. Mr. McCague:** Hon. Mr. Peterson—Additional time is required to respond to the question. A final answer will be available for tabling on or about January 15, 1987.

**496. Mr. Guindon:** Hon. Mr. Peterson—The information, including invoices and expenses, required to answer this question is not yet available. An answer should be available on or about February 28, 1987.

**518, 519 and 525 to 528. Mr. Jackson:** Hon. Mr. Sorbara—Answers are being prepared and will be available on January 12, 1987.

#### RESPONSE TO PETITION

##### MINIMUM WAGE

Sessional paper 232, re increase in the minimum wage.

**Hon. Mr. Wrye:** Effective October 1, 1986, Ontario's general minimum wage was raised from \$4 per hour to \$4.35 per hour. This is an increase of 8.75 per cent over the two-year period since the minimum was just revised in October 1984. That adjustment adequately provided for



increases in the cost of living and wages generally since the last revision.

A \$6 per hour minimum wage would be too high at this time. The resulting substantial increase in wage costs could adversely affect the competitive position of industries most affected by the minimum wage, with potential losses of jobs and new employment opportunities. Setting the level of the minimum wage requires a balancing between the need to assist wage earners in keeping pace with the cost of living and the equally urgent need to maintain employment opportunities by ensuring that increases in the minimum wage do not have a detrimental effect on employment levels.

Ontario's minimum wage of \$4.35 per hour is already higher than most other Canadian jurisdictions (for example: Alberta, \$3.80; British

Columbia, \$3.65; Manitoba, \$4.30; all Maritime provinces, \$4). Only Saskatchewan has a slightly higher rate (\$4.50) than that of Ontario. Quebec has the same general minimum wage (\$4.35) as in Ontario. The minimum wage in the United States is \$3.35 per hour. In the light of the minimum wage levels in competing Canadian and US jurisdictions, an increase to \$6 would be inappropriate.

The government has indicated that the level of the minimum wage will be reviewed annually. Any changes will take effect on October 1 for workers generally. This will remedy past deficiencies where long intervals between revisions resulted in a progressive erosion of the purchasing power of minimum wage earners.

## APPENDIX B

## ALPHABETICAL LIST OF MEMBERS\*

(125 members)

Second Session, 33rd Parliament

**Lieutenant Governor: Hon. L. M. Alexander, PC, QC****Speaker: Hon. H. A. Edighoffer****Clerk of the House: C. L. DesRosiers**

Allen, R. (Hamilton West NDP)  
 Andrewes, P. W. (Lincoln PC)  
 Ashe, G. L. (Durham West PC)  
 Baetz, R. C. (Ottawa West PC)  
 Barlow, W. W. (Cambridge PC)  
 Bennett, C. F. (Ottawa South PC)  
 Bernier, L. (Kenora PC)  
 Bossy, M. L. (Chatham-Kent L)  
**Bradley, Hon. J. J.**, Minister of the Environment (St. Catharines L)  
 Brandt, A. S. (Sarnia PC)  
 Breagh, M. J. (Oshawa NDP)  
 Bryden, M. H. (Beaches-Woodbine NDP)  
 Callahan, R. V. (Brampton L)  
 Caplan, Hon. E. (Oriole L)  
 Charlton, B. A. (Hamilton Mountain NDP)  
**Conway, Hon. S. G.**, Minister of Education and acting Minister of Government Services (Renfrew North L)  
 Cooke, D. R. (Kitchener L)  
 Cooke, D. S. (Windsor-Riverside NDP)  
 Cordiano, J. (Downsview L)  
 Cousens, W. D. (York Centre PC)  
 Cureatz, S. L. (Durham East PC)  
**Curling, Hon. A.**, Minister of Housing (Scarborough North L)  
 Davis, W. C. (Scarborough Centre PC)  
 Dean, G. H. (Wentworth PC)  
**Eakins, Hon. J. F.**, Minister of Tourism and Recreation (Victoria-Haliburton L)  
**Edighoffer, Hon. H. A.**, Speaker (Perth L)  
**Elston, Hon. M. J.**, Minister of Health (Huron-Bruce L)  
 Epp, H. A. (Waterloo North L)  
 Eves, E. L. (Parry Sound PC)  
 Ferraro, R. E. (Wellington South L)  
 Fish, S. A. (St. George PC)  
 Fontaine, R. (Cochrane North L)  
 Foulds, J. F. (Port Arthur NDP)  
**Fulton, Hon. E.**, Minister of Transportation and Communications (Scarborough East L)  
 Gigantes, E. (Ottawa Centre NDP)  
 Gillies, P. A. (Brantford PC)  
 Gordon, J. K. (Sudbury PC)  
 Grande, T. (Oakwood NDP)

**Grandmaitre, Hon. B. C.**, Minister of Municipal Affairs (Ottawa East L)  
 Gregory, M. E. C. (Mississauga East PC)  
 Grier, R. A. (Lakeshore NDP)  
 Grossman, L. S. (St. Andrew-St. Patrick PC)  
 Guindon, L. B. (Cornwall PC)  
 Haggerty, R. (Erie L)  
 Harris, M. D. (Nipissing PC)  
 Hart, C. E. (York East L)  
 Hayes, P. (Essex North NDP)  
 Henderson, D. J. (Humber L)  
 Hennessy, M. (Fort William PC)  
 Jackson, C. (Burlington South PC)  
 Johnson, J. M. (Wellington-Dufferin-Peel PC)  
 Johnston, R. F. (Scarborough West NDP)  
**Kerrio, Hon. V. G.**, Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
**Keyes, Hon. K. A.**, Solicitor General and Minister of Correctional Services (Kingston and the Islands L)  
 Knight, D. S. (Halton-Burlington L)  
**Kwinter, Hon. M.**, Minister of Consumer and Commercial Relations (Wilson Heights L)  
 Lane, J. G. (Algoma-Manitoulin PC)  
 Laughren, F. (Nickel Belt NDP)  
 Leluk, N. G. (York West PC)  
 Lupusella, A. (Dovercourt NDP)  
 Mackenzie, R. W. (Hamilton East NDP)  
 Mancini, R. (Essex South L)  
 Marland, M. (Mississauga South PC)  
 Martel, E. W. (Sudbury East NDP)  
 McCaffrey, R. B. (Armourdale PC)  
 McCague, G. R. (Dufferin-Simcoe PC)  
 McClellan, R. A. (Bellwoods NDP)  
 McFadden, D. J. (Eglinton PC)  
 McGuigan, J. F. (Kent-Elgin L)  
 McKessock, R. (Grey L)  
 McLean, A. K. (Simcoe East PC)  
 McNeil, R. K. (Elgin PC)  
 Miller, F. S. (Muskoka PC)  
 Miller, G. I. (Haldimand-Norfolk L)  
 Mitchell, R. C. (Carleton PC)  
 Morin, G. E., Deputy Chairman of Committee of the Whole House (Carleton East L)  
 Morin-Strom, K. (Sault Ste. Marie NDP)

**Munro, Hon. L. O.**, Minister of Citizenship and Culture (Hamilton Centre L)  
 Newman, B. (Windsor-Walkerville L)  
**Nixon, Hon. R. F.**, Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
 O'Connor, T. P. (Oakville PC)  
 Offer, S. (Mississauga North L)  
**O'Neil, Hon. H. P.**, Minister of Industry, Trade and Technology (Quinte L)  
 Partington, P. (Brock PC)  
**Peterson, Hon. D. R.**, Premier and President of the Council, Minister of Intergovernmental Affairs and Minister of Northern Development and Mines (London Centre L)  
 Philip, E. T. (Etobicoke NDP)  
 Pierce, F. J. (Rainy River PC)  
 Poirier, J. (Prescott-Russell L)  
 Pollock, J. (Hastings-Peterborough PC)  
 Polsinelli, C. (Yorkview L)  
 Pope, A. W. (Cochrane South PC)  
 Pouliot, G. (Lake Nipigon NDP)  
 Rae, R. K. (York South NDP)  
 Ramsay, D. (Timiskaming L)  
 Reville, D. (Riverdale NDP)  
 Reyecraft, D. R. (Middlesex L)  
**Riddell, Hon. J. K.**, Minister of Agriculture and Food (Huron-Middlesex L)  
 Rowe, W. E. (Simcoe Centre PC)  
 Runciman, R. W. (Leeds PC)  
**Ruprecht, Hon. T.**, Minister without Portfolio (Parkdale L)  
 Sargent, E. C. (Grey-Bruce L)  
**Scott, Hon. I. G.**, Attorney General and acting Solicitor General (St. David L)  
 Sheppard, H. N. (Northumberland PC)  
 Shymko, Y. R. (High Park-Swansea PC)  
 Smith, D. W. (Lambton L)  
 Smith, E. J. (London South L)  
**Sorbara, Hon. G. S.**, Minister of Colleges and Universities and Minister of Skills Development (York North L)  
 South, L. (Frontenac-Addington L)  
 Stephenson, B. M. (York Mills PC)  
 Sterling, N. W. (Carleton-Grenville PC)  
 Stevenson, K. R. (Durham-York PC)  
 Swart, M. L. (Welland-Thorold NDP)  
**Sweeney, Hon. J.**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Taylor, J. A. (Prince Edward-Lennox PC)  
 Timbrell, D. R. (Don Mills PC)  
 Treleaven, R. L., Deputy Speaker and Chairman of the Committee of the Whole House (Oxford PC)

Turner, J. M. (Peterborough PC)  
**Van Horne, Hon. R. G.**, Minister without Portfolio (London North L)  
 Villeneuve, N. (Stormont, Dundas and Glengarry PC)  
 Ward, C. C. (Wentworth North L)  
 Warner, D. W. (Scarborough-Ellesmere NDP)  
 Wildman, B. (Algoma NDP)  
 Wiseman, D. J. (Lanark PC)  
**Wrye, Hon. W. M.**, Minister of Labour (Windsor-Sandwich L)  
 Yakabuski, P. J. (Renfrew South PC)

### MEMBERS OF THE EXECUTIVE COUNCIL

Peterson, Hon. D. R., Premier and President of the Council, Minister of Intergovernmental Affairs and Minister of Northern Development and Mines  
 Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet  
 Conway, Hon. S. G., Minister of Education and acting Minister of Government Services  
 Bradley, Hon. J. J., Minister of the Environment  
 Scott, Hon. I. G., Attorney General and acting Solicitor General  
 Riddell, Hon. J. K., Minister of Agriculture and Food  
 Eakins, Hon. J. F., Minister of Tourism and Recreation  
 Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy  
 O'Neil, Hon. H. P., Minister of Industry, Trade and Technology  
 Sweeney, Hon. J., Minister of Community and Social Services  
 Elston, Hon. M. J., Minister of Health  
 Wrye, Hon. W. M., Minister of Labour  
 Grandmaitre, Hon. B. C., Minister of Municipal Affairs  
 Curling, Hon. A., Minister of Housing  
 Fulton, Hon. E., Minister of Transportation and Communication  
 Keyes, Hon. K. A., Solicitor General and Minister of Correctional Services  
 Kwinter, Hon. M., Minister of Consumer and Commercial Relations  
 Munro, Hon. L. O., Minister of Citizenship and Culture  
 Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development



Van Horne, Hon. R. G., Minister without Portfolio

Ruprecht, Hon. T., Minister without Portfolio

### PARLIAMENTARY ASSISTANTS

Cordiano, J., assistant to the Minister of Colleges and Universities (Downsview L)

Epp, H. A., assistant to the Treasurer (Waterloo North L)

Ferraro, R. E., assistant to the Minister of Industry, Trade and Technology (Wellington South L)

Haggerty, R., assistant to the Minister of Government Services (Erie L)

Henderson, D. J., assistant to the Minister of Community and Social Services (Humber L)

Mancini, R., assistant to the Premier (Essex South L)

McGuigan, J. F., assistant to the Minister of Natural Resources and the Minister of Energy (Kent-Elgin L)

McKessock, R., assistant to the Solicitor General and Minister of Correctional Services (Grey L)

Miller, Mr. G. I., assistant to the Minister of Agriculture and Food (Haldimand-Norfolk L)

Offer, S., assistant to the Minister of Consumer and Commercial Relations (Mississauga North L)

Poirier, J., assistant to the Minister of the Environment (Prescott-Russell L)

Polsinelli, C., assistant to the Minister of Labour (Yorkview L)

Reycraft, D. R., assistant to the Minister of Education (Middlesex L)

Sargent, E. C., assistant to the Minister of Tourism and Recreation (Grey-Bruce L)

Ward, C. C., assistant to the Minister of Health (Wentworth North L)

### STANDING COMMITTEES

Administration of justice: chairman, Mr. Brandt; vice-chairman, Ms. Fish; members, Messrs. Charlton, D. R. Cooke, Ms. Gigantes, Ms. Hart, Messrs. O'Connor, Partington, Polsinelli, Ramsay and Rowe; clerk, L. Mellor.

Finance and economic affairs: chairman, Mr. D. R. Cooke; vice-chairman, Mr. Ferraro; members, Messrs. Ashe, Cordiano, Foulds, Haggerty, Ms. Hart, Messrs. Mackenzie, McFadden, Miss Stephenson and Mr. Taylor; clerk, F. Carrozza.

General government: chairman, Mr. McCague; members, Mr. Fontaine, Mrs. Grier, Messrs. Guindon, Henderson, Lane, McKessock, Pol-

lock, Sargent, Sterling and Swart; clerk, D. Deller.

Government agencies: chairman, Mr. Gregory; members, Messrs. Ferraro, Grande, Hayes, J. M. Johnson, Leluk, Mrs. Marland, Messrs. Mitchell, Ramsay, Sargent and D. W. Smith; clerk, D. Arnott.

Legislative Assembly: chairman, Mr. Breaugh; vice-chairman, Mr. Mancini; members, Messrs. Bossy, Dean, Martel, Morin, Newman, Treleaven, Turner, Villeneuve and Warner; clerk, L. Mellor; assistant clerk, T. Decker.

Ombudsman: chairman, Mr. McNeil; vice-chairman, Mr. Sheppard; members, Messrs. Bossy, Hayes, Henderson, Hennessy, McLean, Morin, Newman, Philip and Shymko; clerk, T. Decker.

Public accounts: chairman, Mr. Runciman; vice-chairman, Mr. Gillies; members, Messrs. Barlow, Callahan, Davis, Epp, Mancini, Philip, Pope, D. W. Smith and Wildman; clerk, D. Arnott.

Regulations and private bills: chairman, Mr. Callahan; vice-chairman, Mr. Haggerty; members, Ms. Bryden, Messrs. Cureatz, Fontaine, Hennessy, McKessock, Poirier, Pouliot, Shymko and Wiseman; clerk, T. Manikel.

Resources development: chairman, Mr. Laughren; vice-chairman, Mr. Reville; members, Mr. Bernier, Ms. Caplan, Messrs. Cordiano, Epp, Gordon, Morin-Strom, Pierce, Ms. E. J. Smith and Mr. Stevenson; clerk, T. Decker; assistant clerk, T. Manikel.

Social development: chairman, Mr. R. F. Johnston; vice-chairman, Mr. Allen; members, Messrs. Andrewes, Baetz, Cousens, Grande, Jackson, G. I. Miller, Offer, Reycraft and Ward; clerk, F. Carrozza.

### SELECT COMMITTEES

Economic affairs: chairman, Mr. D. R. Cooke; vice-chairman, Mr. McGuigan; members, Mr. Barlow, Ms. Caplan, Messrs. Cordiano, Ferraro, Mackenzie, McFadden, Morin-Strom, Miss Stephenson and Mr. Taylor; clerk, D. Arnott.

Health: chairman, Mr. Callahan; vice-chairman, Mr. Poirier; members, Messrs. Andrewes, Baetz, D. S. Cooke, R. F. Johnston, Polsinelli, Reycraft, Sargent, Miss Stephenson and Mr. Turner; clerk, D. Deller.

\*The lists in this appendix, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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Andrewes, P. W. (Lincoln PC)  
Bradley, Hon. J. J., Minister of the Environment (St. Catharines L)  
Callahan, R. V. (Brampton L)  
Charlton, B. A. (Hamilton Mountain NDP)  
Cooke, D. S. (Windsor-Riverside NDP)  
Cordiano, J. (Downsview L)  
Curling, Hon. A., Minister of Housing (Scarborough North L)  
Davis, W. C. (Scarborough Centre PC)  
Edighoffer, Hon. H. A., Speaker (Perth L)  
Elston, Hon. M. J., Minister of Health (Huron-Bruce L)  
Epp, H. A. (Waterloo North L)  
Foulds, J. F. (Port Arthur NDP)  
Gillies, P. A. (Brantford PC)  
Gordon, J. K. (Sudbury PC)  
Grande, T. (Oakwood NDP)  
Grandmaître, Hon. B. C., Minister of Municipal Affairs (Ottawa East L)  
Grier, R. A. (Lakeshore NDP)  
Grossman, L. S. (St. Andrew-St. Patrick PC)  
Harris, M. D. (Nipissing PC)  
Johnson, J. M. (Wellington-Dufferin-Peel PC)  
Kerrio, Hon. V. G., Minister of Natural Resources and Minister of Energy (Niagara Falls L)  
Knight, D. S. (Halton-Burlington L)  
Kwinter, Hon. M., Minister of Consumer and Commercial Relations and Minister of Financial Institutions (Wilson Heights L)  
Laughren, F. (Nickel Belt NDP)  
Mackenzie, R. W. (Hamilton East NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McCague, G. R. (Dufferin-Simcoe PC)  
McClellan, R. A. (Bellwoods NDP)  
McFadden, D. J. (Eglinton PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Morin, G. E., Deputy Chairman of the Committees of the Whole House and Acting Speaker (Carleton East L)  
Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics, Minister of Revenue and acting Chairman of the Management Board of Cabinet (Brant-Oxford-Norfolk L)  
O'Connor, T. P. (Oakville PC)  
O'Neil, Hon. H. P., Minister of Industry, Trade and Technology (Quinte L)  
Partington, P. (Brock PC)  
Peterson, Hon. D. R., Premier and President of the Council, Minister of Intergovernmental Affairs and Minister of Northern Development and Mines (London Centre L)  
Riddell, Hon. J. K., Minister of Agriculture and Food (Huron-Middlesex L)  
Rowe, W. E. (Simcoe Centre PC)  
Scott, Hon. I. G., Attorney General and acting Solicitor General (St. David L)  
Shymko, Y. R. (High Park-Swansea PC)  
Stephenson, B. M. (York Mills PC)  
Sterling, N. W. (Carleton-Grenville PC)  
Stevenson, K. R. (Durham-York PC)  
Swart, M. L. (Welland-Thorold NDP)  
Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)  
Treleaven, R. L., Deputy Speaker and Chairman of the Committees of the Whole House (Oxford PC)  
Wrye, W. M. (Windsor-Sandwich L)













JUN 10 1987



